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INTRODUCTION

This report was researched and written by members of the Education Committee of the Berkeley League of Women Voters between February and April 1976. It updates and greatly extends our previous reports: "Statistical Supplement, Local Education Study of the Berkeley Unified School District", May 1974, and "About Berkeley Schools -Where Does the Money Go?", April 1975.

Researching and writing this report has required -at a minimum- dogged determination. Careful attention has been given to checking the facts and figures included, but the multiplicity of detail and the general complexity of the subject means that 100% accuracy cannot be guaranteed. You can assist by sending your comments and reactions.

We wish to extend our thanks to members of the staff of the Berkeley Unified School District, who graciously answered questions and made documents available.

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Copies of this report are available for \$1.50 at the League Office (open 10-4 on school days) or by mail for \$2.00.

May 1976



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WHERE DOES THE MONEY COME FROM ?

A report and analysis of sources of income

Berkeley Unified School District

1975-76

Introduction

The discussion of BUSD income and sources which follows is based on the budget for this school year - 1975-76 - adopted in August, 1975. School districts are required by law to submit a final, balanced budget at an early date in August each year to the County Department of Education.

Even at the time of the adoption of the final budget, school district income projections are subject to a number of factors which are not precisely known, but which affect the amount of actual income received during the fiscal year. Among these factors are:

- . New state legislation or regulations: An example is Senate Bill 220, which passed the state legislature shortly after the final budget adoption date last August. This legislation offered school districts some relief from the effects of inflation, and enabled Berkeley to raise an additional, unbudgeted, amount from local taxes.

This year there are four school finance bills under consideration in the legislature, any one of which, if passed, could have profound effects on next year's income. Each of these bills embodies a different approach, and the controversy could delay passage until summer.

- . New federal legislation or regulations: The school district learned last September, during the teacher strike, that new funds had become available to it under Public Law 874, Impacted Area Funds.

This year Congress is considering legislation which will affect the level of federal funds we receive next year. Whether Congress will act soon is not known.

- . Local tax income: Income from local taxes is better known at the time of budget adoption now than it was in the past as a result of Senate Bill 90, which is the most recent major school finance law. (See section of this booklet on SB90.) But it is still affected by the rate of tax delinquency and readjustments by the County or the State in our calculations of ADA (average daily attendance). The coming year's allowable tax revenue for school districts is calculated on the basis of the number of pupils attending school in the current year.

- . Unexpected events such as a teacher strike.

- . Figures provided by the district's business office have often had to be revised in the past.

SOURCES OF INCOME

Public school education in California is financed through a combination of local, state and federal funds. Under the state constitution, it is the state legislature that decides which state and local sources of revenue can be used by school districts for education. The U.S. Congress has no constitutional responsibility to fund education; that responsibility is reserved to the states. The federal government may choose to provide money for specific purposes which reflect its concerns about education. The county's role as a source of funds for schools is minor. Its main function at the present time is to provide special services and to oversee the finances of school districts. The following table shows the amount of income from the various sources in the adopted budget 1975-76:

Table I

Projected Income by Source - BUSD 1975-76 Adopted Budget

Source	General Fund Budget		
		Amount	% of Total
Federal	\$5,443,185.		15.8
State	3,803,245.		11.1
County: Foster Homes Tuition	384,215.		1.0
Local	23,437,935.		68.0
Inter-district Transfers (includes inter-district tuition and inter-fund transfers)	1,312,589.		4.0
Beginning balance	11,678.		.1
Total	\$34,392,847.		100%

LOCAL INCOME

The California legislature has mandated that the major local source of income for schools shall be derived from taxes levied on property. Revenue from this source accounts for the bulk - 68% - of BUSD's adopted budget for 1975-76.

Berkeley's total school tax is compared with nearby school districts in the following table:

Table II

Total Tax Rates, Selected Alameda County School Districts
 per \$100 assessed valuation

<u>City</u>	<u>1975-76</u>	<u>1974-75</u>
Alameda	5.277	5.535
Albany	6.432	6.442
Berkeley	7.305	7.489
Hayward	5.739	6.149
Newark	6.839	5.546
Oakland	6.131	5.834
San Lorenzo	4.897	5.206

The total school tax rate of \$7.305 per \$100 assessed valuation (AV) includes three major elements:

- . a general purpose tax rate of \$6.056/\$100 AV
- . four limited tax overrides, totaling \$0.360/\$100 AV
- . two special purpose override taxes, whose combined rates are \$0.889/\$100 AV

General Purpose Tax Rate

Under the provisions of Senate Bill 90 (1973), Berkeley is permitted to raise up to \$1,609.20 per pupil in the current year; this is termed its "revenue limit". The County then sets the tax rate which will produce this amount. Without a tax election, Berkeley cannot increase its revenue limit per pupil, except for a small inflation factor permitted by the law.

Because income is tied to enrollment under Senate Bill 90, a school district's general purpose tax rate declines as enrollment declines, as does, of course, the total income received from this tax.

Income from this source is accounted for in the district's General Fund budget.

Limited Override Taxes

These overrides are termed "limited" because the state specifies the maximum amount a district is permitted to levy for each of them. The first three overrides listed in the table below may be levied at the discretion of the school board. The State Building Loan Repayment override must be approved by the voters. Berkeley voters approved this override during the 1960s.

Table III
Limited Tax Overrides: 1975-76 Adopted Budget

<u>Override</u>	<u>Tax Rate/\$100 AV</u>	<u>Amount</u>
Meals for Needy Pupils	0.050	\$158,375.
Earthquake Safety Building Program (Override expires 1977)	0.200	633,500
Community Services	0.100	316,750.
State Building Loan Repayment	0.010	30,570.
Total	0.360	\$1,139,095.

The income from the 5 cent "Meals for Needy" override is spent thru the Cafeteria Fund Budget. The Earthquake Safety Building Program 20 cent override may be levied for a maximum of three years; its funds are expended thru the Building Fund budget. The Community Services (10 cents) and State Building Loan Repayment (1 cent) remain part of the General Fund budget.

Special Override Taxes

The two special override taxes levied by BUSD are (1) the Child Development (Children's Centers) override, and (2) the Bond Repayment override. Each of these is accounted for separately. Table IV shows the amounts and rates for these:

Table IV
Special Tax Overrides: 1975-76 Special Budgets

Override	Tax Rate/\$100AV	Amount
Child Development	0.767	\$2,427,223.
Bond Repayment	0.122	429,777.
Total	0.889	\$2,857,000.

The Child Development override is the only remaining unlimited override allowed by the state and does not require voter approval. Because the School Board could not increase the general purpose tax rate without a tax election, its struggles to avert bankruptcy last August were assisted by an increase in this tax of \$0.310/\$100 AV. The Board could then transfer K-12 employees and their salaries - formerly paid by the general fund - to Children's Centers and the Child Development budget.

The BUSD has used the Child Development override in recent years to a larger extent than neighboring districts because of a commitment to provide child care for a large number of Berkeley residents. The table below compares Berkeley's Child Development override tax with that levied by surrounding districts. Note that the increase in the 1975-76 tax rate for Berkeley is greater than the total Child Development tax rate in these districts:

Table V
Alameda County Child Development Override Tax Rates

District	1974-75	1975-76	Change
Alameda	0.079	0.125	.046
Albany	0.010	0.011	.001
Berkeley	0.357	0.767	.310
Livermore	0.040	0.098	.058
Oakland	0.170	0.228	.058
San Leandro	-0-	0.003	.003

The Bond Repayment override varies with the amount required for interest and redemption of bond obligations. This money goes directly from the tax collector to the Bond Interest and Redemption Fund administered by the County. It does not appear in BUSD accounts and cannot be used for any other purpose by the local district. Berkeley's bonded indebtedness is rated low for California school districts.

Other Local Income

Other local sources of income play a small part in the total budget. These include grants, e.g., City of Berkeley CETA employment money and Rockefeller Foundation grant for improving school district administration; Adult School fees; fees from the rental of the Community Theater and other facilities; interest received on tax money not yet spent, and other items.

Table VI
Local Income by Source
1975-76 Projected Budget

Source	Tax Rate/\$100 AV	Amount
1. Local taxes (revenue limit)	6.056	\$21,878,841.
2. General Purpose Overrides	.360	1,139,195.
3. Other local income	----	419,899.
		23,437,935.
4. Special overrides	6.416	2,857,000.
	0.889	
	7.305	\$26,294,935.

STATE INCOME

The State sets a minimum Foundation Level of spending for each school child in California. For 1975-76, the Foundation Level for each elementary pupil is \$909.00, and for each high school pupil, \$1,084.00. These funds are realized from a combination of sources: State Basic Aid plus local tax revenues plus State Equalization Aid (for eligible districts).

The State provides Basic Aid to every school district in the state, in the amount of \$125.00 per ADA (average daily attendance), as its contribution toward the Foundation Level. (Note that the total amount of this aid will shrink as enrollment declines, since it is figured on a per pupil basis.)

In addition, the State provides help in the form of Equalization Aid to certain school districts. These are districts with such low property wealth that they could not achieve the Foundation Level of spending except by an extremely high local property tax rate. Berkeley does not receive any Equalization Aid from the State because its tax base is adequate to meet the Foundation Level. (Indeed, this community has in past years chosen to tax itself heavily in order to provide a rich and varied program for the wide range of Berkeley's children. Berkeley raises far more than the Foundation Level from local property taxes though it is a district of only average property wealth (by state standards), with the result that its tax rate is one of the highest in the state.)

Special State Apportionments

In addition to Basic Aid and Equalization Aid, the state offers a number of apportionments and allowances for special purposes. An important group of apportionments in Berkeley is Special Education, which includes:

- a. Physically Handicapped: Any pupil who cannot receive the full benefit of ordinary education facilities because of physical impairment.
- b. Educable Mentally Retarded and Trainable Mentally Retarded: Pupils under the age of 21 who are incapable of being educated through ordinary classroom instruction because of retarded intellectual development.
- c. Educationally Handicapped: Pupils under 21 who cannot benefit from the regular educational program because of marked learning or behavior disorders associated with a neurological handicap or emotional disturbance.
- d. Transportation of Handicapped: Money paid for special transportation for handicapped pupils, who for physical or emotional reasons cannot use regular transportation.
- e. Mentally Gifted Minors: Pupils whose general intellectual ability places them within the top 2% of all students.

Special Education funds are received on the basis of a systematic identification of the pupils eligible for such funds, and evidence that special programs are being provided which fit the needs of that category of pupils. These funds are provided over and above the Foundation Level.

Table VII

Special Education Apportionments: 1975-76 Adopted Budget

Physically Handicapped	\$172,626.
Educable Mentally Retarded	21,600.
Trainable Mentally Retarded	55,500.
Educationally Handicapped	203,815.
Transportation of Handicapped	35,000.
Mentally Gifted Minors	<u>170,000.</u>
(High Potential)	\$658,541

Other State apportionments and allowances which Berkeley uses are:

Driver Training: paid for by the state at the rate of \$60 per pupil for classroom instruction; actual driving is done at district expense.

Pupil Transportation: Pupil transportation is usually reimbursed by the State at between 40-60% of cost. In Berkeley, the State allowed 61% of busing costs last year and the same amount has been budgeted this year.

Educationally Disadvantaged Youth: (The "Urban Factor" of SB90) Berkeley receives close to \$400,000 to help fund a host of special efforts for disadvantaged children such as counseling, instructional aids, skills specialists, activities with parents, and books and supplies. This money attempts to compensate urban districts for the effects of SB 90 revenue limits.

Early Childhood Education Program: An effort sparked by State Superintendent of Schools Wilson Riles, to improve the quality of primary school (K-3) instruction and atmosphere, by encouraging schools to adopt pre-school concepts in their approach to education.

Handicapped Minors Private School Tuition: Tuition is paid to private schools for those students for whom there are no appropriate nearby public school classes.

Parent Nursery: Funds are given to the district for children of low-income parents who attend parent nursery schools.

Bilingual Alternatives for Secondary Teachers and Aides (BASTA): This is a consortium of four districts (Berkeley, Oakland, Richmond, and the Jefferson Union High School District) in bilingual/bicultural education specializing in secondary schools. Besides providing bilingual education for grades 7-12, BASTA trains personnel as teacher assistants and teachers in secondary bilingual education. Curriculum and community involvement are important components of the BASTA consortium.

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Table VIII
Other State Apportionments and Allowances: 1975-76 Adopted Budget

Driver Training	\$ 73,900.
Transportation Allowance	313,250.
Educationally Disadvantaged Youth (Urban Factor)	392,278.
Early Childhood Education (SB 1302)	66,619.
Handicapped Minors Private School Tuition	19,450.
Parent Nursery	208,257.
BASTA	200,000.
Washington School Yard (Ponds and Gardens)	6,200.
	\$1,279,954.

State Subventions

A peculiarity of the funding process is the concept known as "tax subventions". On the one hand, school districts are required by state law to derive their income from local property taxes. On the other hand, the state legislature has passed laws which provide exemptions from local property taxes for certain categories of taxpayers: Tax subventions, then, channel money from the state's general fund to local governmental bodies to make up for losses in revenue resulting from these exemptions.

As might be expected, the accounting procedures are complicated. At the time of budget adoption, subventions are included as local property tax income, e.g., the County determines the tax rate based on assessed valuation and income needs set out in the adopted budget. The amount of the subventions is calculated on the basis of the number of exemptions granted by the state and the local tax rate. This amount then comes from the state. For accounting purposes, it is necessary to list subvention income--which comes from the state--as local income in the adopted budget. At the end of the fiscal year, this income is listed under state income in the forms filed with the County.

In Berkeley, applicable tax subventions include the homeowner's exemption and the business inventory exemption. For the 1974-75 fiscal year, tax subventions amounted to more than \$2 million. The shifting of that amount from local income to state income changed the percentage relationships of the amounts from these sources significantly. Consequently, it is important to note that the percentage of total income from each of these sources will differ markedly, depending upon whether you are examining the adopted budget or the end-of-year financial statement.

Federal Income

A distinctive feature of the BUSD budget is the large part played by federal funds -15.8% this year. This is twice the state and national average. Availability of federal funds is variable from year to year and seems to depend, in part, on the ability of project writers to figure out how to get the money. An example of this dependence on project writers is the ESAA (Elementary School Emergency Act) project which makes up 5.3% of Berkeley's federal funds. Headlines were made recently by quoting from the project proposal which based the funding request on the lack of progress made in Berkeley in decreasing the effects of segregated education. When the proposal came before the School Board, a board member remarked that the proposal makes it appear that no progress has been made to improve education for low-income minority children. He was assured that the language used was solely for the purpose of getting the money.

Table IX

Federal Income: Berkeley 1971-76 % General Fund Income

71-72	72-73	73-74	74-75	75-76*
14.6%	21.1%	11.7%	13.8%	15.8%

*Adopted Budget

Multi-Cultural Projects

Berkeley receives federal funds for 18 different projects. All of these funds are categorical and must be used for the specific purposes written in the proposal.

Bilingual or multi-lingual curriculum development projects account for 51% of the federal funds Berkeley expects to receive in 1975-76. These projects include some training of teachers and teacher aides , but, for the most part, they are curriculum development projects which have little immediate effect on the students of the district.

Table X
Federal Multi-cultural Projects - Projected 1975-76 Income

Bay Area Bilingual Education League (BABEL) (similar to state-funded BASTA)	\$816,000.
Center for Instruction in Multilingual Application (CIMA)	601,461.
Asian American Bilingual Materials Development Center	793,280.
Multi-Cultural Assistance Center (LAU)	556,321.
(Project to implement the U.S. Supreme Court's decision in Lau vs. San Francisco Board of Education)	\$2,767,062.

Other Sources of Federal Income

In addition to our multi-cultural projects, Berkeley receives federal money for:

. Public Law 874: Federal Impacted Area Funds are made available based on the number of students residing in housing which comes under the federal leased-housing program administered by the City's Housing Authority. A census is taken each October through the schools to determine the amount of money Berkeley is entitled to receive. The actual amount is dependent on Congressional appropriations. Money received under PL 874 is earmarked for district maintenance and operational expenses.

. Education Professionals Development Act (EPDA): a career opportunity program to upgrade the professional skills of minorities and women.

. Experimental Schools Project: This is the final year of a five-year project sponsored by the National Institute of Education (NIE) in three school districts across the country. Funds for this project amount to only 12% of the federal funds received by Berkeley this year, a significant decrease from the first years of the project.

. Follow-through Program: an effort to help children of low-income parents who participated in pre-school Head Start programs maintain the educational gains they have made. The funds are given to reduce pupil/adult ratios. The major portion supports teacher aids, with some financing for assisting parent volunteers.

. Compensatory Education: an effort to improve the basic skills of low achieving students. Emphasis is placed on the use of skills specialists.

. Emergency School Aid Act (ESAA): Funds are made available to help solve problems incident to desegregation.

. Vocational Education Act (VEA): Funds are used for four projects in Berkeley, including the Parent-Child Education Center at Berkeley High School, which provides child care for the children of high school students and training in child care and parent education.

. Smaller projects which account for the remainder of the federal income received are the Washington School Yard (an environmental curriculum development project), School Library Resources, Basic Adult Education for non-English speaking adults, and Computational Fluency (Wirtz Math), an effort to improve mathematics teaching through curriculum development and in-service training.

Table XI shows the projected income for each of these programs:

TABLE XI

Other Federal Income: Adopted 1975-76 Budget

PL-874 (Federal Impacted Area)	\$185,000
EPDA Career Opportunity Project	268,169
Experimental Schools Project	671,120
Follow-Through	395,545
ESEA Compensatory Education	548,000
ESEA Computational Fluency (Wirtz Math)	110,927
ESEA Basic Adult Education	64,183
ESEA School Library Resource	7,447
ESAA (Emergency School Aid Act)	289,695
Vocational Education Act: Part B	64,524
Vocational Education Act - Parent Child Ed. Center	25,336
Vocational Education Act - Home Economics	10,890
Vocational Education Act - Work Study Teacher Aides	3,175
Washington School Environmental Yard	32,109
	\$2,676,120

OTHER REVENUE

Income which does not fit the federal, state, or local categories is listed as Inter-District Transfers in the adopted budget. Two types of income are included: Inter-district tuition, regular and handicapped, and Inter-fund transfers.

Inter-district tuition is paid by school districts for students who live in their districts, but who attend schools in neighboring districts.

The only inter-fund transfer is from the Child Development budget to the General Fund budget to cover overhead and administrative costs the General Fund incurs in administering the Children's Centers.

The table below shows the percentage of funds in the total budget received from each source, comparing Berkeley with other Alameda County school districts of comparable size:

TABLE XII

Sources of Funds: Alameda County Districts of Comparable Size
1975-76 Estimates % of Budget

District	ADA*	Federal %	State %	Local %	Other %	Total \$
Alameda	11,332	8.0	22.3	65.7	4.0	16.0 million
Berkeley	14,918	15.8	11.0	68.2	5.0	34.4 million
Livermore	15,264	4.2	44.7	45.1	6.0	21.4 million
San Lorenzo	13,508	3.0	33.8	58.7	4.5	17.8 million

WHO DECIDES HOW THE MONEY SHOULD BE SPENT

The conditions attached to the use of funds are often more important to the operation of the school district than the source of the funds. Revenue which has restrictions placed on its use is termed categorical, while revenue which may be used for any purpose allowed under the State Education Code is termed non-categorical. Most non-categorical funds come from the local property tax; state Basic Aid is also non-categorical. Despite their non-categorical nature, the local school board does not have a great deal of freedom in the use of this revenue. The State Education Code defines how most of the money should be spent: many course offerings are required, certain pupil-teacher ratios are mandated, and many other specific requirements are made which leave a school district little real discretion.

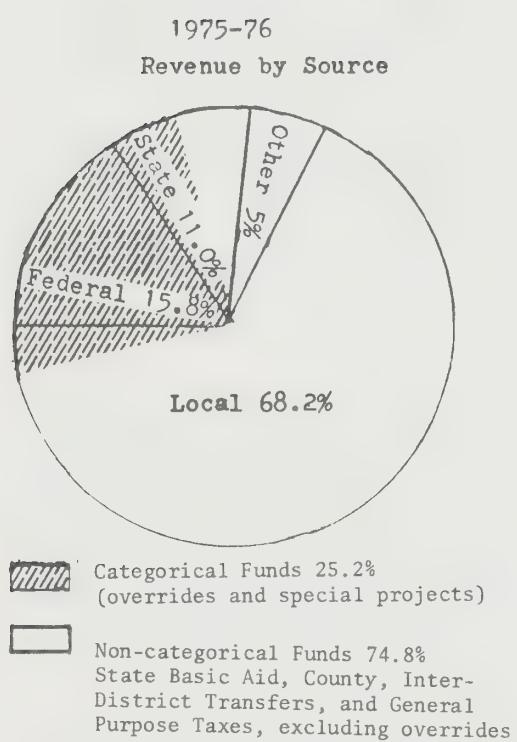
All other state and federal revenue, grant income, and income from local override taxes must be used for restricted purposes, and is therefore categorical.

An example of categorical funds and their effect on the operation of the district is Compensatory Education income, federal money which is administered by the State Department of Education. These funds are designated for students who are more than six months below grade level. Money is allocated to schools which fit specific criteria, such as having a certain percentage of students receiving Aid for Dependent Children (AFDC).

"Comp. Ed." funds are received by seven K-3 schools in BUSD (Cragmont, Emerson, Hillside, Jefferson, LeConte, Washington, Whittier) and two 4-6 schools (Longfellow and Malcolm X).

One requirement the state imposes for use of these funds is "comparability": the district's own funds must provide the same effort (called "maintenance of effort") at these schools as it does at other sites, while adding compensatory education funds to the designated schools. Comparability is a very specific requirement, even stipulating the total number of years of teaching experience which the staff who are assigned to Comp Ed schools must have, for example. (This is an effort to overcome past abuses when schools in poor areas tended to have more inexperienced teachers than schools in wealthier areas of the same cities.)

Restrictions placed on the use of revenue create inflexibility in many programs and add substantially to the amount of paperwork required of staff. Shifting programs from school to school - at times from classroom to classroom - has created problems, including staff resentment when greater resources are available to some teachers - but not all - at the same site.



SCHOOL FINANCING LEGISLATION

The Serrano Decision

In 1968 the Western Center on Law and Poverty filed suit on behalf of Mr. Serrano, a parent in the Baldwin Park, California, school district. Lawyers for the plaintiff argued that Mr. Serrano's children were being deprived of equal educational opportunity because they lived in a poor school district. They contended that state laws governing school financing promote inequality because they require school districts to rely chiefly on local property taxes. Since the value of property varies greatly among school districts, even neighboring communities spend dramatically different amounts of money on their pupils. A \$3.00 tax rate per \$100 assessed valuation (AV) in District A for example, will produce less revenue because its total property wealth is low, than the same rate will produce in District B, which has a very high assessed valuation. This is termed "unequal tax power". Moreover, poor school districts such as Baldwin Park might set a very high tax rate and still receive less revenue than wealthy districts with lower tax rates. The law suit argued that this condition violates the Constitution.

The California Supreme Court held in August 1971 that the state's system of school finance violated both the California and the U. S. Constitutions in that it "invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors" (school district), and remanded the case to a lower court. The U. S. Supreme Court, however, in a similar case brought in Texas (Rodriguez), declared that this matter did not come under its jurisdiction since the right to equal education is not "fundamental" to the U. S. Constitution. As a result, the matter now rests with each state's courts.

The lower court's decision in the Serrano case requires the California state legislature to enact laws by 1980 which eliminate inequalities of educational opportunity based on differences in the property wealth of local school districts.

The decision in this case, and in similar cases in other states, raises complex philosophical, political and economic issues, and there is a growing literature on the subject. A recent article in The New York Times provides a succinct commentary on the key points:

"At the heart of school finance reform is a set of classic democratic issues constantly subject to redefinition in this country: Is the government providing equal protection to all its citizens, in this case equal educational opportunity to all its school children? Is the method of raising money to support education equitable? Is the method of distributing the money equitable?"

(The New York Times, April 25, 1976)

Senate Bill 90

The interests of reformers coincided with the concerns of a growing number of communities whose property taxes have been increasing rapidly. The hope was that reform of school finance would achieve both goals: more equitable spending for education and property tax relief.

Senate Bill 90 (SB 90, as it is widely known), took effect in 1973, and represented a small step toward implementation of the Serrano decision, and a larger step toward property tax relief. (It would seem that the marriage of these two interests is not one of equal partners.) The important provisions of SB 90 are:

1. Assists poor school districts through increased state aid. SB 90 raises the Foundation Level which is the statutory minimum expenditure for each school child. As a result, the State must contribute more money to poor school districts unable to reach the Foundation Level through their own tax efforts. This state support is termed "Equalization Aid", and the moneys are derived from state sales and income taxes. Subsequent legislation provides for automatic annual increases in the Foundation Level.

2. Gives property tax relief by placing limits on tax rate increases of districts which spend more than the Foundation Level. SB 90 sets a ceiling on per pupil spending by districts based on their 1972-73 expenditures. This is termed the "revenue limit". For the first time, as a result of SB 90, property tax income for school districts is tied to enrollment.

The effect of the imposition of a revenue limit is to cause a reduction in the school tax rate. As property value increases, maintaining the same tax rate would produce greater revenue than districts are now permitted to receive. Consequently, the school tax rate is lowered. In addition, if enrollment declines in a school district, an even lower tax rate results.

Other features of the revenue limit provision are:

a. An inflation factor, calculated as a percentage of revenue limit, is permitted to be added to the revenue limit base (the 1973 expenditure level). However, the inflation factor is equalized: high spending districts are "squeezed", with a smaller inflation factor than poor districts.

b. A small cushion against the effects on revenue of declining enrollment is provided in the revenue limit formula, based on the recognition that many per pupil costs are inelastic.

c. School districts may increase their revenue limit only through a revenue limit election.

Future funding legislation will likely require high spending districts to share with poor districts a portion of the increased income resulting from a successful revenue limit election. This is the concept of "power equalizing".

Other provisions of SB 90 include a small amount of state aid, known as the "Urban Factor", for school districts with large numbers of low-income children and restructuring of state categorical aid (apportionments). SB 90 also greatly reduced the number of permissible tax overrides a district may levy.

The actual revenue limit permitted a school district for the coming year is the result of a complex formula. It begins with pupil attendance (ADA) for the first six months of the current year, modified by a percentage of the decline (or increase) in ADA over the past three years. Summer school and Adult School attendance figures are pro-rated. Total district expenditures for the base year of 1972-73 are increased by the inflation factor (about 3% for Berkeley). The formula also takes into account local assessed valuation per student, tax delinquency rate and the State Foundation Level. The result of all this computation is the district's allowable Tax Revenue Limit (total amount which can be collected in local taxes) for the coming year. The general purpose tax rate is then calculated by the County, based on this total.

The impact on Berkeley of the provisions of SB 90 in the past two years is dramatic and painful. A 3% inflation factor is little assistance during a period of double-digit inflation. Moreover, increased costs are built in to the pay schedules of staff, and the inflation in health costs exceeds that of all other benefits. This says nothing of an obligation to provide staff a cost of living increase. With declining enrollment, total income is reduced while actual operating costs are less elastic. To add to the district's problems, Berkeley's substantial federal grants are dwindling, and these in past years supported a large number of instructional staff.

Future Prospects

Senate Bill 90 is but a step toward compliance with Serrano, for there remain large inequities in inter-district expenditures for education in California. While there is uncertainty at the moment about the form of future legislation, it is clear that districts like Berkeley will be required to live within a reduced income.

HOW IS THE MONEY SPENT?
 A report and analysis of expenditures
 Berkeley Unified School District
 1975-76

Introduction

State law requires that school expenditures be reported in terms of categories set forth by the California School Accounting Manual. The classification system is rigid, and even though it has been revised within the past three years, its design reveals frustratingly little about the nature of the educational services financed by the various elements of a district's budget.

Evaluation of school expenditures is fraught with difficulties. For example, it would be useful to compare one district's expenditures per pupil with those in other districts. Unfortunately, so many variables are involved that no two districts are entirely comparable. Both size and diversity of school population have important effects on per pupil costs, for example, and districts that vary greatly in either respect simply cannot be compared. The kind and complexity of funding received by a district create problems for comparison. Districts like Berkeley that use many state and federal categorical grants find that these impose requirements and costs of their own that complicate the budgeting process. Hence, the expenditures per pupil in such districts may include substantially more overhead and support costs than do those in other districts (e.g., Palo Alto) that use little federal funding. Qualitative differences are even more difficult to measure and educational benefits are so hard to define that attempts at cost effectiveness studies of school districts have yielded little that is useful.

Complicating Factors 1975-76

Leaving aside the problem of inter-district comparisons of expenditures, it should be possible to learn a good deal about a school district from a study of its expenditure pattern. Two major problems complicate such a study in Berkeley this year. A major financial crisis and a lengthy teacher strike have changed the circumstances so drastically that even comparisons with prior year figures, for example, are of limited value. The barest minimum of information is published, and this is hard to interpret because the final budget for 1975-76 was adopted in the middle of last summer's confusion about the district's financial condition and before the strike, which has altered many calculations. Currently, an understaffed business office is attempting to keep things running while itself undergoing reorganization and implementation of major procedural reforms.

Specific Effects of Teacher Strike

A very general picture of the post-strike budget can be seen in the Financial Statement of February 29, 1976 (reproduced on next page). This forecast that the General Fund would finish the current fiscal year with a balance of \$431,755. The expected surplus would be greater except for a projected deficit in the Cafeteria Fund of \$129,624. - which must be made up from the General Fund. This ending balance can be adversely affected if, for example, there is need for a greater than usual number of substitute teachers, as sometimes happens in the spring. Slippage of controls over budget over-runs could reduce this figure also.

Major expenditure changes since budget adoption in August 1975 are direct results of last fall's strike. While savings of over \$900,000 were made in monthly certificated salaries, these have mostly been offset by increases in the amount of certificated hourly (substitutes) salaries, heavier drains on classified monthly and hourly salaries, and higher costs for employee benefits, largely for restoration of benefits cut during the summer and then reinstated by the strike settlement agreement. The strike settlement also restored the cuts which the adopted budget made in books and supplies.

Substantial increases since budget adoption in the Contracts and Services category have resulted from a number of causes: strike costs, expenses generated by the reorganization of the business services, as well as expenses mandated by the terms of new project grants, etc.

A further major cost of the strike is reflected in the great increase in tuition paid to other school districts for Berkeley students transferring elsewhere. Usually Berkeley gains far more than it loses in inter-district transfers, but with few incoming students this year, there is a large negative balance.

The lingering effects of the strike on future district budgets are not hard to predict, and they will be felt in several ways: ADA (average daily attendance) losses which are now estimated at 1,091 will result in reduced local tax revenue and reduced state aid next year. The number of continuing out-of-district transfers is unknown. Even if this year's projected ending balance is actually realized, it is unlikely to provide more than a partial cushion against these losses.

MAJOR EXPENDITURES - General Fund Budget

As the foregoing indicates, Berkeley's current school expenditures are influenced by some unusual circumstances. Their general outlines can be best determined by a study of a lengthy document which is available in the accounting office but not published, the Object Detail Budget Run.

The Budget Run of February 29, 1976, shows the adjusted General Fund total as \$35.3 million. Of this, about 74% goes for staff salaries and benefits. The table below shows the amount and percentage of total budget for each of the "Object Major" categories defined in the California School Accounting Manual: (errors in totals in all tables below due to rounding)

Table II

Employee Salary and Benefits - General Fund Adjusted Budget February 29, 1976

Object Detail Statement

Category	% of Sub-Group	% of General Fund
Certificated Salaries		46%
- classroom teachers, assist. teachers	82%	
- administrators, supervisors, coordinators	10%	
- support staff (librarians, psychologists, counselors, etc.)	8%	
Classified Salaries		19%
Employee Benefits		9%
Total		74%

The remainder (26%) of this year's General Fund budget goes to meet the many other operating expenses of the district, as follows:

Table I

Object Major Categories - General Fund Adjusted Budget
February 29, 1976 Object Detail Statement

Object Major	Amount	% of General Fund Budget
Employee Salaries and Benefits	\$26.1 million	74%
Books and Supplies	1.6 million	4.5%
Contracts and Services	4.5 million	13%
Capital Outlay	1.2 million	3.4%
Other outgo, Reserves, Ending Balance	1.8 million	5.1%
Total	<u>\$35.3 million</u>	<u>100%</u>

Effects of the strike are particularly visible in the category of certificated salaries, currently about 46% instead of the usual 50-plus %. Table II provides a breakdown of staff costs:

Table III
Books and Supplies - General Fund Adjusted Budget
February 29, 1976 Object Detail Statement

Item	% of Sub-Group	% of General Fund
<u>Total Books and Supplies</u>		4.5%
- Textbooks and Teachers Manuals	4%	
- Library books and books for special curricula (Black Studies, Women's Studies, etc.)	4%	
- Instructional supplies and field trip admissions	49%	
- Instructional media materials	1%	
- Custodial, maintenance, medical, office, and adminis. transportation supplies	27%	
- Pupil transportation supplies	2%	
- Food services supplies	13%	
- Equipment replacement	.5%	

Table IV
Contracts and Services - General Fund Adjusted Budget
February 29, 1976 Object Detail Statement

Item	% of Sub-Group	% of General Fund
<u>Contracts and Services</u>		13%
- Utilities, insurance premiums, legal and auditing services	25%	
- Staff travel and conferences, membership dues, registration fees	6%	
- Rents and Leases buildings, office and transportation equipment, and "other"	12%	
- Administrative contracts and services (includes some strike expenses)	17%	
- Grant-funded projects: evaluations, special assistance	25%	
- Project consultants	11%	
- Misc. contracts: SRV, Swim Center, Tilden Nature Area, Vision Screening and Audiometry, Parent Activities and Stipends, Interprogram billing	4%	

Table V
Capital Outlay - General Fund Adjusted Budget
February 29, 1976 Object Detail Statement

Item	Amount	% of General Fund
Capital Outlay Total	\$1.2 million	3.4%
- Buildings plus building and site improvements: Adult School, trans- portation facilities	889,000.	
- Equipment: pupil transportation, play- ground development, business and project equipment	275,000.	

Table VI
Other Outgo - General Fund Adjusted Budget
Feb. 29, 1976 Object Detail Statement

Item	Amount	% of General Fund
Other Outgo Total	\$1.8 million	5.1%
- Debt Service, State School Building Loan	31,000	
- Outgoing Tuition and Interfund Transfers	941,000	
- Reserves and Ending Balance	877,000	

OTHER BUDGETS

Although the General Fund is by far the largest of its operating budgets, the BUSD manages three other funds, totaling nearly \$10 million.

- The Cafeteria Fund, budgeted for \$1.1 million, is expected to finish this fiscal year with a deficit of about \$130,000. which will have to be made up from the General Fund. This substantial subsidy is needed because income from federal and state sources is less than anticipated, and food sales are down due to the low sales in the fall.

Since additional support of the food program in the form of overhead and equipment supplies is built into the General Fund budget (see Books & Supplies Table III), it is clear that food services constitute a major area of school expenditure.

- The Child Care Fund (in previous years called the Child Development Fund or the Children's Center Fund). This year Berkeley's Child Care Fund budget totals \$3.3 million, with a surplus of \$453,639. projected by the end of the fiscal year. This fund supports a group of Children's Centers which together serve approximately 550 pre-school and school age children. These Centers operate on a year-around, 11-hour per day basis for pre-school students, and before and after school, holiday and summer basis for school-age students. A fee of \$1.14 per hour is paid by the parent or by the State; the Centers are required to serve predominantly children of low-income parents. The actual cost of the program is much more, with the difference made up from the Child Care special override tax levied on the local property tax base.

This year the Children's Centers are serving about 33% more children than they did last year, while the income is up 75%. There will be a substantial sum to carry-over. Certificated staff in the program have increased 27% and classified staff 83%. It is noteworthy that the Child Care capital outlay budget is one-third the size of that in the General Fund; the books and supplies budget for these 550 children is 1/8 the size of that in the General Fund which serves an enrollment of 14,000.

- Building Fund: Financing for the earthquake safety construction program is accounted for here. Income for this fund is generated by a twenty-cent tax override (3-year maximum). and a 20-year low interest loan from the state, which is to be repaid beginning with the completion of the building program.

Since the major portion of that work has not been started, 82% of the funds are as yet unspent.

PLANNING, PROGRAMMING, AND BUDGETING SYSTEM (PPBS)

The foregoing discussion has dealt with the various budgets as broken down by "Object". This grouping of expenditures is somewhat different from that used in previous years and follows the format laid down by the revised (1973) version of the State School Accounting Manual. The new manual also requires from districts a rather rudimentary breakdown of expenditures by "program". This is a first step toward a state-wide implementation of the Planning, Programming, and Budgeting System (PPBS) which Berkeley and five other districts were asked to pioneer over the past eight years.

Ideally, program budgeting offers a way by which School Boards can establish priorities, set them forth annually in their Budget Assumption Letters, then see them become the guidelines for the budget development process, and finally, built into the adopted budgets. In practice, this concept of budgeting has met with a number of obstacles. (See the section on "PPBS" in this booklet.)

SALARIES AND WORK SCHEDULES OF CERTIFICATED STAFF

How Berkeley Teachers Salaries Compare with Other Districts

Table I compares Berkeley teacher salaries with those of teachers in selected other school districts. "Teacher Salary" is defined to include only salaries of classroom teachers and other teachers who spend at least 50% of their time in the classroom. It does not include salaries of librarians, counselors, other pupil personnel employees, or administrators. Only unified school districts (which comprise both elementary and high school) are included in the comparisons, to avoid distortion of the data. Unified school districts employ two-thirds of all the public school teachers in California.

The C.A.R.E. document from which the data are drawn does not include an entry for Berkeley teacher salary this year, because of the reporting delay caused by the strike. Using C.A.R.E. document criteria, we have computed this figure from records made available to us.

TABLE I
Selected Comparisons of
AVERAGE TEACHER SALARY FOR UNIFIED SCHOOL DISTRICTS: 1975-76

BERKELEY	\$16,020: ranks 37th of 254 Unified Districts
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STATE AVERAGE (Unified)	\$15,473
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Some high paying districts.....

BEVERLY HILLS	\$20,369	ranks 1st of 254 Unified Districts	SAN JOSE	\$16,942	8th
PALO ALTO	\$19,414	2nd	SANTA MONICA	\$16,843	9th
SAN RAFAEL	\$18,455	3rd	SANTA ROSA	\$16,661	13th
EMERYVILLE	\$17,366	6th	LONG BEACH	\$16,556	16th
SAN LEANDRO	\$17,283	7th	LOS ANGELES	\$16,534	17th

Some Bay Area districts.....

<u>Average Salary</u>	<u>Two steps on salary schedule</u>	
	<u>B.A. + 30 units first year</u>	<u>B.A. + 60 units thirteenth year</u>
ALAMEDA	\$16,118	\$17,010
ALBANY	\$16,111	\$18,218
EMERYVILLE	\$17,366	\$19,070
HAYWARD	\$15,115	\$17,214
OAKLAND	\$14,624	\$16,797
RICHMOND	\$15,968	\$17,772
SAN LEANDRO	\$17,283	\$18,334
SAN FRANCISCO	not available	\$18,750
BERKELEY	\$16,020	\$16,858
	\$10,042 (BA + 24)	

HISTORY OF INCREASE IN TEACHER SALARY

<u>State-wide average increase (all districts)</u>	<u>Berkeley Increase</u>
1969-70	7.89%
1970-71	6.76%
1971-72	4.16%
1972-73	5.31%
1973-74	8.45%
1974-75	9.33%
1975-76	7.48%
	9.0% plus automatic increments
	5.6% " " "
	0% " " "
	6.14% " " "
	1.0% " " "
	8.5% " " "
	0% " " "

Developed from C.A.R.E. Document 29, Feb.'76 and B.U.S.D. Data

Table I shows that the average teacher salary of \$16,020. in Berkeley compares favorably with the statewide average of \$15,473. But Berkeley teachers received no salary increase this year (other than the automatic annual increment), while the statewide average salary increase was 7.48%, so the district has lost some ground. In the past two years, Berkeley dropped from a rank of 17th, out of the 254 unified school districts, to a rank of 37th. Again, when compared with school districts in the Bay Area, Berkeley has fallen behind, both in average teacher salary and in selected comparison steps on the salary schedule.

An Explanation of the Teacher Salary Schedule

The salary an individual teacher receives is dependent on two factors: length of service and educational attainment. The 1975-76 Teachers Salary Schedule for Berkeley is reproduced on the next page. The vertical column shows that teachers receive an automatic salary increase for each additional year of service, up to 14 years of employment in the district. The horizontal column shows that teachers also may receive a salary increase for completing the additional educational units specified.

Teachers' salaries actually vary, then, from \$9,425. for a first year teacher with a B.A., to \$18,428. for a teacher with an M.A. plus 36 units, after 13 years of employment. Salaries of Assistant Teachers (less than B.A. degree) are shown in columns A and B. Those columns will gradually be phased out by B.U.S.D.

Each year, certificated employees advance one step "vertically" on the salary schedule, and automatically receive an average salary increment of 4%. This increase is paid in addition to any general salary increase awarded by the district in any year. However, when an employee has completed fourteen years of service, he/she receives no further automatic increment on the vertical scale, and 49% of Berkeley's certificated staff have reached this limit. Consequently, the district-wide average increase is less than 4% - about 2.7%, according to BUSD - since half the employees are no longer eligible.

Advancement "horizontally" on the schedule depends on presentation to the district by the employee of proof of additional educational attainment.

It should be noted that the steps on the salary schedule are very uneven, and the increment paid at any particular step can vary considerably from the 4% average. For example, if a teacher's educational qualification is limited to a B.A. (Column I), he/she receives an increase of 0.7% when moving from the 13th to the 14th year. But if the teacher has reached Column V in education, he/she receives an increase of 5.2% when moving from the second to the third year. If a teacher moves from Column I to Column II in the 13th year, the increase is 9.6%, but from Column V to Column VI in the first year the increase is only 2.5%.

The traditional form of teacher pay, based on automatic increments in a salary schedule, has run into conflict with the income ceiling which Senate Bill 90 imposes on school districts. Increased annual salary costs are "built-in", unless modified in negotiations. Prior to Senate Bill 90, a school district usually kept pace with these automatic salary increases without raising taxes because property values were rising. Though the tax rate might remain unchanged, increased property assessment brought in more money each year. No longer. SB 90 sets a revenue limit per pupil. As enrollment declines a school district's income from local taxes also drops. Since Berkeley is at its revenue limit per pupil, it can increase it only through a tax election.

Ratio Pay. Certain categories of employees are paid an additional percentage of the income to which they would be entitled under the salary schedule. Known as "ratio pay", this additional money is paid to certificated employees who are required to work extra days beyond the teacher contract year (counselors, for example), and to persons who supervise teachers (principals, for example.)

Berkeley's salary schedule format is typical of school districts in California. Most have about seven horizontal steps (educational attainment), though some have as few as three or as many as twelve. Most districts have 12 to 15 vertical steps (length of service), but a few districts add an automatic increment at the 20th, or the 25th year, for example. Two years ago, the Berkeley School Board provided a one-time only increment - known as the equalization offset - to teachers then at the top of the salary schedule.

Berkeley Unified School District

1975 - 1976

TEACHERS SALARY SCHEDULE

Class	A Training Less than 60 units	B 60 units	I BA	II BA+24	III BA+36	IV MA or BA+48	V BA+60 BA+42 inc. MA+12	VI BA+72 BA+54 inc. MA+24	VII BA+66 inc. MA MA+36
Steps									
<hr/>									
1	7,593	9,123	9,425	10,042	10,343	10,660	10,935	11,218	11,544
2	7,887	9,467	9,769	10,454	10,798	11,141	11,458	11,767	12,068
3	8,183	9,810	10,111	10,866	11,252	11,614	12,051	12,265	12,660
4	8,478	10,153	10,454	11,270	11,682	12,094	12,480	12,849	13,227
5	8,773	10,497	10,737	11,682	12,129	12,574	12,986	13,398	13,811
6	9,076	10,840	11,150	12,094	12,574	13,047	13,492	13,940	14,385
7	9,379	11,184	11,485	12,506	13,004	13,527	14,008	14,489	14,961
8	9,682	11,527	11,828	12,926	13,475	14,008	14,523	15,030	15,544
9	9,985	11,870	12,162	13,321	13,905	14,489	15,030	15,579	16,129
10		12,032	12,343	13,545	14,351	14,961	15,536	16,119	16,694
11		12,194	12,506	13,725	14,583	15,536	16,051	16,652	17,269
12		12,346	12,668	13,931	14,815	15,707	16,558	17,193	17,854
13		12,517	12,832	14,067	15,055	15,982	16,858	17,742	18,428
			12,926						

NOTES:

- 1) Equalization offset amount granted to employees who were on Step 13 in 1973-74 will be retained by the employees.
Equalization Offset Schedule: Class I 150; Class II 150; Class III 240; Class IV 275; Class V 300; Class VI 420; Class VII 450
- 2) With Doctoral Degree - \$500 added to salary.
- 3) The ratio pay schedule will be based on the 1973-74 Teachers Salary Schedule.

HOURLY RATES

Hourly Teaching	\$ 9.00 per hour
Hourly Teaching for Assistant Teachers ..	\$ 7.50 per hour
Hourly Curriculum Development	\$ 7.50 per hour

SUBSTITUTE RATES

<u>1-19 days:</u>	
Substitute Teachers	\$ 35.00
Substitute Assistant Teachers	\$ 25.08
<u>20-44 days:</u>	
Substitute Teachers	\$ 44.00
Substitute Assistant Teachers	\$ 31.50
<u>After 44 days on continuous assignment:</u>	
Placement on Salary Schedule	

HOW TEACHER SALARIES COMPARE WITH OTHER GROUPS OF CERTIFIED EMPLOYEES

Table II compares the average teacher salary with the average salary of other groups of certificated employees in the Berkeley schools. In addition to comparing the average yearly salary for different groups, it is useful to compare average daily salary, since the number of days an employee is required to work varies considerably, from 179 days for teachers, to 229 days for certain administrators.

TABLE II
B.U.S.D. AVERAGE SALARIES OF CERTIFICATED PERSONNEL (SEPTEMBER 1975)

<u>Number *</u> <u>of</u> <u>Employees</u>	<u>Position</u>	<u>Average</u> <u>Yearly</u> <u>Salary</u>	<u>Number of</u> <u>Work Days</u> <u>Required</u>	<u>Average</u> <u>Daily</u> <u>Salary</u>
746.47	Teachers (includes: classroom, skills, home instruction, special education, music and high potential teachers. <u>excludes:</u> all categories below)	\$16,020	179	\$89.50
14.75	Assistant Teachers (B.A. degree not required)	\$10,850	179	\$60.61
19.65	Media Specialists (Librarians)	\$17,376	179	\$97.07
5.75	Health Consultants	\$14,468	179	\$80.83
17.00	Head Teachers Assistant Head Teachers	\$16,324	180	\$90.69
25.00	Department Chairpersons	\$18,676	185	\$100.95
61.15	Counselors, Guidance Workers Psychologists, Grade Coordinators	\$19,629	190	\$103.31
53.00	Coordinators, Principals, Vice Principals and other administrators at school sites	\$20,491	190	\$107.85
14.9	Offsite administrators	\$23,191	229	\$101.27
11.00	Central Administrators (on call for 11 months)	\$29,449	229	\$128.60

*Expressed as Full Time Equivalents (F.T.E.)

Developed from B.U.S.D. data, September 1975

The differences in average salaries for different groups is the result of several factors. Ratio pay is one cause affecting for example, counselors and administrators. But another significant influence is the fact that positions outside the classroom are usually occupied by persons of greater seniority and/or educational attainment. This is true for librarians, who receive no ratio pay, but who usually hold more advanced degrees and longer service than classroom teachers. Health Consultants, on the other hand, while requiring special educational preparation, have a higher turnover, and so do not acquire length of service increments as readily.

THE WORK-DAY OF A BERKELEY TEACHER (in schematic form)

School Board policy sets the teacher work day at $6\frac{1}{2}$ hours, inclusive of a half-hour duty-free lunch. In addition to the primary duty of classroom teaching, a teacher's day is filled with many other responsibilities which extend their work beyond the required $6\frac{1}{2}$ hours. Teachers must plan and prepare lessons, correct papers, attend faculty and other meetings as well as in-service training courses, tutor students, conduct parent conferences, etc. In addition, at the elementary level, teachers are assigned, on a rotating basis, to supervise children outside the classroom. Supervision assignments of secondary staff will be discussed below.

The actual daily schedule at primary schools varies considerably, but typical classroom time for both students and teachers is 9 a.m. - 10 a.m., 10:10 a.m. to 11:10 a.m., 11:20 a.m. to 12:20 p.m., and 1:10 to 2:10 p.m. The most usual number of classroom teaching hours is 4, though it varies among different sites from 3 hours, 40 minutes to 4 hours, 30 minutes.

All the 4-6 schools maintain a five hour classroom day. The typical 4-6 school day begins at 8:30a.m. and ends at 2:40 p.m. with time out for recesses (a total of 25 minutes), and for lunch (45 minutes). Teachers at the 4-6 schools are released from the classroom $2\frac{1}{2}$ hours each week for preparation and planning (prep time). Teachers' prep time may be assigned in one $2\frac{1}{2}$ hour bloc, or it may be spread over several days of the week. Averaged over 5 days, the actual teaching time becomes 4 hours, 30 minutes daily.

The pattern of the classroom day is more complex at the secondary schools. Typically, teachers conduct classes for five periods each day, though some teachers choose to teach six periods in lieu of a supervision period. Department chairpersons teach 3 or 4 periods. Secondary teachers are also allocated one preparation period each day. Some teachers choose to use their prep time to assist students on a regular basis in small group labs for example. Finally, staff at secondary schools are required to supervise students or to provide assistance to other staff or to students. At the high school, teachers are assigned to supervision duties one period per day on a regular basis. At the junior highs, teachers are scheduled for supervision on a rotating basis. West Campus requires no supervision by its teachers.

The following chart shows the most usual pattern of classroom teaching time at the secondary level:

Grade	No. of periods incl. lunch	Length of period*	Teacher teaches	Teaching time
7-8	8	40 mins.	5 periods	3 hrs. 25 mins.
9	8	45 mins.	5 periods	3 hrs. 50 mins.
10-12	9	40 mins.	5 periods	3 hrs. 40 mins.

*Period two is longer (grade 7-8: 45 mins; grade 9: 50 mins; grade 10-12: 60 mins.)

HOW MUCH TIME DOES THE STUDENT SPEND IN CLASS EACH DAY IN BERKELEY?

Minimum requirements for daily classroom time are set forth in the State Education Code for each grade level. This minimum time is exclusive of recesses and noontime. The Ed. Code does not set maxima except for kindergarten pupils. State requirements are listed below.

Although Ed. Code Sec. 10952 charges local school boards with "fixing the length of the school day", no written policy exists in Berkeley. At some grade levels, in fact, there is considerable variation in the length of the school day. For example, for grades 1-3, the time spent in class varies from 3 hours, 40 minutes, to 4 hours, 30 minutes, depending on the school site. Some schools, it would appear, do not meet the minimum requirements of 3 hours, 50 minutes set by the Ed Code for this level.

Similarly, in grades 9 through 12, the Ed Code minimum is 4 hours, while some students in Berkeley are in class for slightly less than that time. This results from the fact that some students at this level take only five periods, the minimum required by the district. However, the most usual pattern in grades 9 through 12 is for the student to spend 6 periods in the classroom. Some students take 7 periods and at the high school a few students take 8 periods with special permission.

Organization of school day at secondary level

<u>Grades</u>	<u>Total periods incl. lunch</u>	<u>Length of periods</u>	<u>Length of 2nd period</u>
7-8	8	40 mins.	45 mins.
9	8	45 mins.	50 mins.
10-12	9	40 mins.	60 mins.

(the lengthened second period serves as a 'home room' period for daily bulletin announcements and other school business)

The chart below shows the time Berkeley students spend daily in the classroom compared with the minimum requirements of the State Education Code. The 'most usual' pattern shown is the time spent in the classroom by the majority of the students at any grade level. Exceptions are shown in the range of variation from this norm.

TIME STUDENT SPENDS IN CLASSROOM

<u>Grade</u>	<u>Time in class (Berkeley)</u>		<u>Required by State law*</u>	
	<u>Range</u>	<u>Most usual</u>	<u>Minimum</u>	<u>Maximum</u>
K	2 hr. 40 min.-4 hr.	3 hrs.	3 hrs.	4 hrs.
1-3	3hr.40min.-4hr.30min.	4 hrs.	3 hrs.	50min. none
4-6	no variation	5 hrs.	4 hrs.	none
7-8	no variation	4 hrs. 45 mins.	4 hrs.	none
9	3 hr.50min.-5hr. 20min.	4 hrs. 35 mins.	4 hrs.	none
10-12	3 hr.40min.-5hr.40min.	4 hrs. 20 mins.	4 hrs.	none

* California Education Code, Sections 11005,11006,11007,11052

SALARIES AND WORK SCHEDULES OF CLASSIFIED STAFF

CLASSIFIED EMPLOYEES

The Merit System

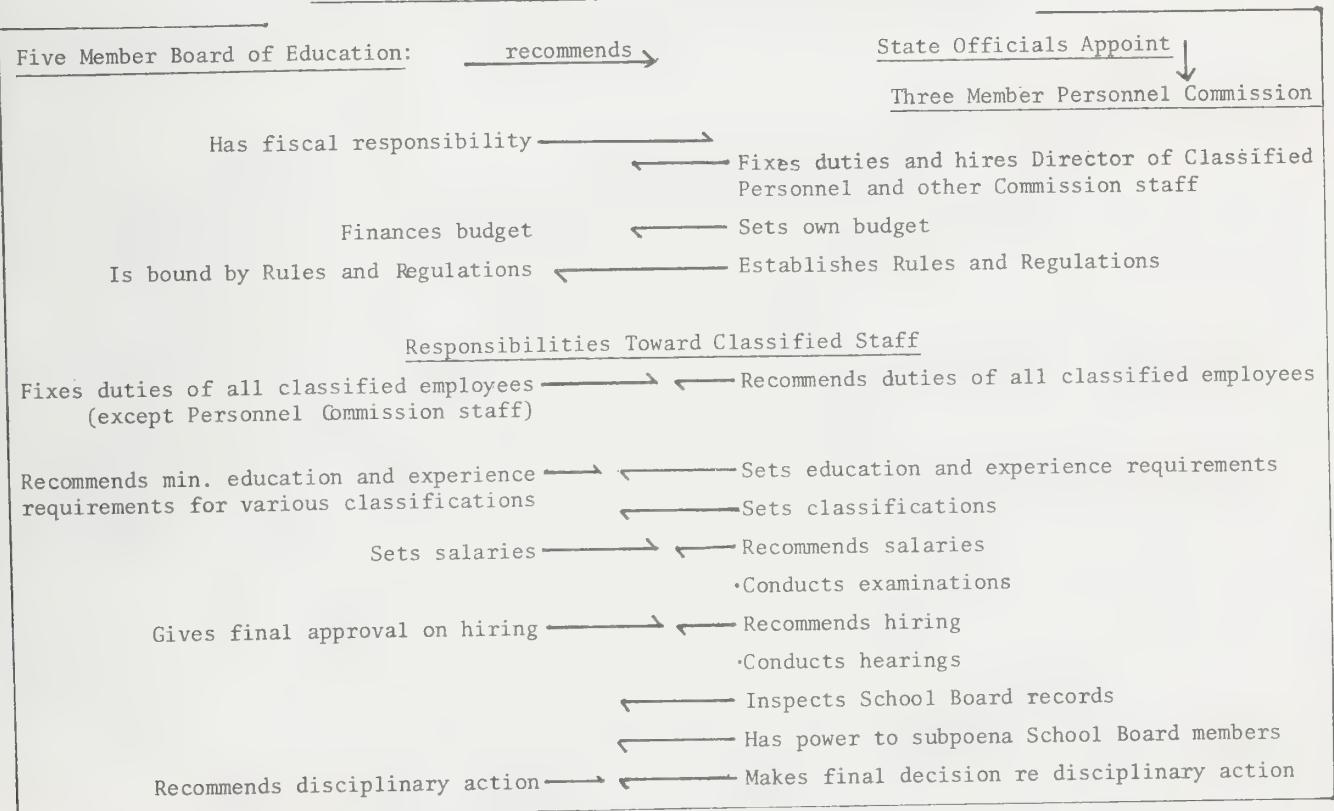
Fewer than 10 percent of California's school districts function under the rules of Merit System permitted by the State Education Code. Berkeley's classified (non-certificated) employees voted to join that system in 1944. It would require a similar vote of a majority of the classified employees to eliminate its authority.

The Merit System requires a governing body, a three-member Personnel Commission, separate from the Board of Education. Commission members are appointed for three-year terms by the State Superintendent of Public Instruction or the executive officer of the State Personnel Board, who alternate responsibility for these appointments. Individuals are recommended to these officials by the local Board of Education and other interested parties.

The dovetailing responsibilities and duties of a Board of Education and a Personnel Commission are prescribed in the Education Code in language that often results in varying interpretations by persons subject to its provisions. Consequently, there is a need for good communication between the two governing bodies to minimize confusion and conflict.

The chart below outlines the division of authority between a School Board and a Personnel Commission:

Duties of Board of Education and Personnel Commission



The primary duty of the Personnel Commission is to uphold the Merit System Rules and Regulations, which are written and amended by the Commissioners, based on Article 5 and preceding sections of the State Education Code. Once the Rules and Regulations have been approved by the School Board, they are binding on it. Their purpose is to assure the efficiency of classified service through the selection and retention of employees on the basis of merit and fitness, and to protect the rights of employees and ensure their fair and equal treatment. To be hired or to move from one classification to another, applicants must pass an examination, be placed on an eligibility list, and be selected from that list.

Classifications

Classified employees fit into an elaborate system developed by the Personnel Commission which now contains 182 separate classes. Not all are in current use. Three seem to be filled only by "limited term" employees, and 37 classifications are vacant. Some of the vacancies are in classifications the district is no longer able to afford, i.e. "Costume Designer, ESP". Others, such as "Classification Analyst" could be very useful. Of the 145 classifications now in use, more than one-half (54%) are filled by single persons; another 15% by two persons.

Jobs are grouped somewhat by function, with six main categories: Administrative and Supervisory, Custodial, Food Services, Maintenance, Transportation, and Clerical and Auxiliary to the classroom. The last category - Clerical and Auxiliary to the Classroom - is by far the largest, with 114 separate classifications which include accountants and account clerks; warehouse staff; central, off-site and school site secretarial staff; as well as school community aides, instructional aides and student supervisors; coordinators and assistant coordinators.

Breaking down this category further for those classes which involve only secretarial functions, it appears that the Personnel Commission has established 15 separate classes: School Secretary II, Secretaries I, II, III, and IV, Senior High School Secretary, Administrative Secretary, Secretary to the Assistant Superintendent, and Secretary to the Superintendent; and six classes which are duplicated by titles of these positions but which do not require shorthand: Secretary II without Shorthand, for example.

Each class has a separate job description which lists in some detail examples of duties to be performed. Some employees, in fact, view the job descriptions literally. For example the "Custodian" job description states, in part, that the employee is to sweep, clean, etc., the floors of the buildings, and the walks and entrance, and to pick up paper, etc., from the grounds. But since "roof" is not included, a custodian may balk even at reaching out the window to gather litter accumulated in roof gutters which, if left undisturbed, clogs the drains.

Rates of Pay

Each separate class has its designated salary range. Since only 35 salary ranges are used, and there are 182 classes, there is some overlap. The lowest beginning pay -Range 20- is \$3.33/hour, or \$542 for a 163 hour month. The highest beginning pay is for the newly established Range 81 (for the position of Director of Business Services) at \$14.73/hour, or \$2,400/month. Between each range there is a 2.5 differential.

Each salary range contains five steps, termed A through E. After the initial probationary period (a minimum of six months) an employee moves from Step A to Step B, and then advances annually over a 3-year period to the top of the salary range. Between each step there is a 5% differential. A new employee may begin at any step of the range when hired, depending on the district's need for his/her skills.

Classified staff on the school sites, as well as bus drivers and maintenance personnel, must be able to work with students as well as adults. Salaries paid to classified workers do not appear to reflect positively this aspect of their jobs. Instead, all salaries are based on comparisons with similar jobs in private industry or other agencies in the public sector, as well as on the need to maintain differentials between classes within the District. The table below shows the distribution of staff among the salary ranges. The three largest single classes have been separated out.

Table I

Range and Classification	Monthly, Full-time Salary Range Steps A - E	% of Total Number Classified Staff (not FTE)
1. Range 20 thru 32: Clerical, Classroom Auxiliary, Custodial and Food Service Examples are: a. Range 21: Food Service I b. Range 24: Instructional Aide c. Range 32: Custodian	\$542 - \$883 \$555 - \$675 \$597 - \$726 \$726 - \$883	70% (8%) (22%) (10%)
2. Range 33 thru 50: Maintenance, Transportation, some Clerical and Classroom Auxiliary, Assistant Supervisor	\$744 - \$1,369	28%
3. Range 53 thru 81	\$1,212 - \$2,920	2%

Working Hours

A full-time classified employee works $7\frac{1}{2}$ hours a day (including two 15 minute duty-free breaks), $37\frac{1}{2}$ hours per week, and a 163 hour month. Compensation for overtime, at a rate of one and one-half times the regular rate of pay, is credited for service of one-half hour or more beyond the $7\frac{1}{2}$ hours. Overtime served for less than one-half hour in a regular work day is not cumulative. Employees are frequently given compensatory time off in lieu of overtime pay. No overtime is granted to the administrators and full-time supervisors listed in Table II.

Approximately 2/3 (63%) of all classified employees work full-time. Another 26% work .73 time ($5\frac{1}{2}$ hours) or more. All of these employees receive full fringe benefits. The remaining 11% who work fewer than $5\frac{1}{2}$ hours per day receive a pro-rated amount of their benefits.

Working Year

A school district's employees include those whose work is year round, and those whose work is related to the school calendar. BUSD's staff is divided about equally between 10 month and 12 month employees. The table below shows the employees in each of these categories:

Table II

Employees	12 month (219-234 work days)	% of Total # of staff (not FTE)	10 month (174-207 work days)
1. Administrative and Supervisory			
Accounting Officer			
Director of Business Services			
Director of Classified Personnel			
Purchasing Agent			
Supervisors of:			
Communication Center			
Custodians	x		
Data Processing			
Food Service			
Maintenance			
Public Information (part time)			
Transportation			
Systems Financial Analyst			
2. Clerical and Auxiliary to Classroom:		58%	
Central and off-site	x		
Secondary schools	x		x
Children's Centers	x		x
Elementary Schools and Parent Nursery			x
3. Custodial	x	15%	
4. Transportation		5%	x
5. Food Services		13%	x

The minimum work year of a 10 month employee in 1975-76 is 174 days. Beyond this, employees may work 1, 2, 5, 10 or 16 days before school opens, and/or 5, 10 or 14 days after school closes. The site or program administrator controls the work schedule, subject to the approval of the Director of Classified Personnel. On occasion staff organizations have negotiated additional days to be worked and/or paid days off.

Some 10-month employees are assigned to work during winter and spring recess (10 days) and/or semester break (one day). The opportunity for abuse of this assignment gives rise to scepticism among classified employees, some of whom believe these days are assigned to some employees merely to "sweeten the pot".

Benefits for Classified Staff

In addition to the fringe benefits listed on page 25, the district's classified employees receive the following:

- . Paid holidays: legal and Board holidays - 15 to 17 days. To receive holiday pay, the employee must be in paid status (working or on paid vacation) on the work day immediately preceding or succeeding the holiday, or holiday period.
- . Paid Vacation: 10 - 25 days depending on the number of years in the district. Paid vacation days are added to the end of the 10-month employee's working assignment. The following table is based on information for the 1974-75 school year.

Table III

Years in District	Days of Vacation	% of Staff
0 - 11 months*	0 - 9 days	2%
1 - 4 years	10 days	29%
5 - 10 years	15 days	46%
11 - 14 years	20 days	9%
15+ years	25 days	13%

*Thirteen full-time Administrative and Supervisory staff listed on Table I, receive 25 days vacation after the probationary period.

Additional Pay

There are a number of factors beside length of service which can increase the salary of individual employees:

Longevity - Merit Pay: After 10 years of service during which an employee has received a yearly evaluation of "satisfactory or better", a full-time employee receives an increase of \$10 per month in merit pay. This increases by \$5 per month for each succeeding 5-year period during which the employee's performance is satisfactory, until he/she has attained the top merit pay of \$30 per month. A part-time employee receives the equivalent percentage of merit pay. About 23% of classified staff presently receive merit pay.

Differential Pay: Staff who work between the hours of 7 p.m. and 7 a.m. are paid an additional 5% of their regular salary for the hours worked during this period. Ten per-cent of the district's staff receives this differential.

A similar differential is paid to the six Food Service Managers whose school sites provide a breakfast program.

Bi-lingual instructional aides (16 employees) receive up to \$10 per month differential pay for the required exercise of this skill. This amount is pro-rated so that the aide who works .80 time receives \$8.00 per month.

Secondary school secretaries (3 employees) who are responsible for calling substitute teachers receive a flat rate per month for this work (\$70, \$65, \$55). In addition a fourth secretary receives 1 hour pay per day extra (about \$110 per month).

Professional Growth Award: An employee can receive up to \$75/month for the sucessful completion of approved courses in adult school, college, etc. An award of \$15 is granted for each 9 units, up to a maximum of 45 units, with the proviso that 2/3 of the units must be in courses related to the employee's job description. No credit is given for courses taken before employment in the District. Nearly 20% of the district's classified employees receive this award. Of these, two out of 10 earn the top amount.

Average Salary: It is clear from the foregoing that the ability to derive average salary figures for the different classifications depends on precise data on each employee, such as length of work year, number of assigned work hours, number of paid holidays, accrued vacation pay, overtime, etc. This information is not compiled in any systematic way by the Classified Personnel office, so there is no way at present to gather important information of this sort.

Frequency of Pay Warrant Errors: Because of these complexities and the turnover among employees, as well as problems in the Accounting Office and Data Processing, it is not surprising that mistakes are made in payroll warrants. Since responsibility for the accuracy of information is divided among the Classified Personnel office, the site administrator or department head - who maintains work attendance records - and the Accounting Office, carelessness at any point results in general confusion. By agreement between the California School Employees Association (CSEA) and the School District, the employee takes responsibility for notifying the District of errors on his/her paycheck. Many employees do make an attempt to check their warrants, and even report errors of overpayment. Others, however, find their pay warrants so complicated, they are unable to determine their accuracy. School site employees often do not know how many days in the school year they are supposed to work, nor how many paid holidays they are supposed to receive, for example. The result is discontent and scepticism about the operation of the Merit System.

Employee Terminations

The termination of classified employees for economic reasons is a much simpler process than for certificated staff. By law, classified employees must be given one-month's notice of lay-off. Last fall, however, Berkeley's classified employees won the right to receive notice by March 15, for lay-offs which are to occur in the coming fiscal year.

Under state law, employees must be terminated in reverse order of seniority within their class. Seniority is computed on the basis of the number of hours in paid status in the school district. "Paid hours" include assigned work-time, holidays and vacation, but do not include overtime hours.

Since there is more parental contact with the certificated staff and a much larger percent of the budget goes to them, less attention is paid to the classified staff. They tend to be the anonymous bodies behind the scenes. They are the bus driver who saves a child's forgotten flute, the secretary who keeps the principal together and chases down kids for forgotten appointments, the custodian who cleans up mountains of student-dropped litter and even provides a sympathetic ear, and the cafeteria worker who supplies much maligned but nutritious food. Parents who have worked at the school sites understand their importance.

Does the District provide its classified staff with adequate compensation? From the information available now it is not possible to make this judgment. If the District cannot afford higher salaries, can it build morale in other ways?

Berkeley enjoys the benefits and also suffers the consequences of the Merit System. The detailed and apparently inflexible regulations which are designed to ensure fair and open selection and promotion of the most highly qualified employees do not always accomplish this, and they can even prevent a successful worker's permanent appointment. The rules that protect the employee's rights can also hamper school officials in their attempts to fill positions with those best suited for the jobs. The Rules and Regulations are not really as inflexible as they may appear and can, it seems, be bent or evaded for the sake of expediency. It is perhaps not the rules that cause the evident problems, but their interpretation and the way they are, or are not carried out. The division of responsibility between the Personnel Commission and the Board of Education can compound the problems. Their cooperation is essential to smooth functioning of the classified service under the Merit System.

BENEFITS OF CERTIFICATED AND CLASSIFIED STAFF

HOW BERKELEY STAFF BENEFITS COMPARE WITH OTHER SCHOOL DISTRICTS

State law requires that school districts pay the cost of various benefits for their employees. These mandatory benefits are:

- a. retirement plan and workmen's compensation, for both certificated and classified employees;
- b. social security and unemployment insurance for classified employees.

In addition, most school districts provide a health plan for staff. Berkeley's certificated and classified employees receive a health plan which includes Kaiser or Blue Cross coverage, a dental plan, and a life insurance policy. Specifically, Berkeley's expenditures for employee benefits (as projected for 1975-76) are as follows, expressed as a percentage of total salary:

Mandatory benefits	Certificated	Classified
1. OASDI - Social Security		5.85%
2. PERS - Retirement		7.63%
3. Unemployment Insurance - State		.07%
4. STRS - Retirement (increases each year by 0.8% to a maximum of 8%)	5.60%	
5. Workmen's Compensation - State	.04%	.04%
 Non-mandatory benefits:		
1. Health and Dental - Kaiser/Blue Cross and Great Western Life	6.06%	8.77%
2. Life Insurance - Great Western Life: (\$5,000)	.01%	.02%
 (Expressed as a percentage of total salary)	Total benefits <hr/> <hr/> 11.71%	<hr/> <hr/> 22.38%

Medical coverage provides:

either a Kaiser Plan including:

- a. general medical care for employee and dependents
- b. supplemental psychiatric care plan
- c. fully paid maternity care
- d. supplemental eyeglass plan
- e. no charge for: office visits, lab tests, x-ray, physical therapy

Or a comparable Blue Cross Plan

Dental coverage provides:

- a. 100% of cost of routine care (diagnostic, cleaning, fillings, etc.)
- b. 70% of cost for major treatment (crowns, dentures, etc.)
- c. A maximum annual benefit of \$1,000. per patient, subject to \$25 deductible per patients, \$50 per family.
- d. 50% of cost of orthodonture for dependent children, ages 6-18

The health, dental and life insurance benefits cited here take effect the last six months of the current year. As part of the strike settlement, these benefits were reduced during the first six months.

The higher percentage costs for classified personnel (22.38%), does not mean that the school district spends twice as much on their benefits as compared with certificated staff (11.71%). Rather, the higher percentage results from the generally lower salaries paid classified staff. For example, based on the average teacher salary of \$16,020., the district spends an aveage of \$1,876. for certificated staff benefits. Based on the average classified salary of \$9,638. (BUSD Staffing Model report, 4/8/76), the district spends an average of \$2,157 for classified employee benefits (\$9,638 X 22.38%).

Classified employees who work 73% or more of a full-time job receive full benefits. Other part-time employees receive pro-rated benefits, with the option of paying the difference in premium cost in order to receive full coverage.

It is extremely difficult to make meaningful comparisons between Berkeley's health benefits and those provided in other districts, because of the variation in coverage and in supplemental features, such as income protection, dental, vision, life insurance, etc. Mandated benefits, of course, are uniform throughout the state. Table III compares Berkeley with several other Alameda County districts in order to provide some sense of the range of expenditure in this area.

TABLE III
EXPENDITURE BY DISTRICT FOR HEALTH BENEFITS (1975-76)
FOR CERTIFICATED AND CLASSIFIED EMPLOYEES

	Minimum Annual Total (Employee only)	Maximum Annual Total (Employee with depend- ents)
ALAMEDA	--	\$822.00
ALBANY	\$521.16	\$1283.76
BERKELEY	\$584.04	\$1113.12
LIVERMORE	\$488.76	\$1210.56
OAKLAND	\$541.20 (plus 7% of pay)	\$1420.86 (plus 7% of pay)

Developed from Alameda County School Department Report

Berkeley's expenditure for health benefits is not out of line with other districts in the County, with the exception of Oakland, which spends more for benefits (though less for salaries) than other districts in the County.

Increased benefit costs, including the nearly 1% annual increase in mandatory contributions to the State Teachers Retirement System for the next several years, and the wildly escalating cost of medical and dental services, set the stage for budget nightmares for school officials as a result of income limitations of SB90. On the one hand, school boards in high spending districts like Berkeley are not permitted to increase the tax rate to raise the additional revenue to keep pace. Staff, on the other hand, quite naturally view any reduction in benefits as a setback in income. At the same time it is evident that a tax rate increase election is viewed with considerable distaste by Berkeley's electorate.

OTHER BENEFITS

Various types of leave of absence are also given to classified and certificated staff and may be considered an additional employee benefit. Most of the following are mandated.

	<u>Classified Staff</u>	<u>Certificated Staff</u>
Sick Leave	1 day per month of service unlimited accumulation	Same
Additional Sick Leave	Up to 100 days per fiscal year 2/3 pay	Same
Industrial Accident or Illness Leave	Up to 60 days per fiscal year	Same
Income Protection Leave	6 - 18 months after exhaustion of all other paid leave at 2/3 pay (not mandated)	Does not apply
Personal Leave	2 days per year (deducted from Sick Leave)	Same
Personal Necessity Leave	Up to 6 days per fiscal year (deducted from Sick Leave)	Same
Maternity Leave (also for men)	89 days at 2/3 pay	89 days - pay minus substitute pay
Bereavement Leave	1 - 3 days; 5 days for out of state	Same
Religious Holiday	2 days per year for religious observance	Same
Sabbatical Leave	1 year for study possible compensation	Up to 1 year Up to 3/4 pay
Election Leave	2 hours on the day of every general, direct primary or presidential primary	Does not apply

WHERE ARE THE PEOPLE?

REPORT AND ANALYSIS OF STAFF ASSIGNMENTS IN THE BERKELEY UNIFIED SCHOOL DISTRICT

- The pages which follow contain tables which analyse in detail the deployment of staff in the Berkeley Unified School District in February 1976. We believe this information is especially useful in a period of shrinking income and possible staff cutbacks.

We have organized the data from the point of view of the consumer and taxpayer: the school site is where teaching and learning occur - how many and what sorts of people are working there? Students and site staff require various kinds of support services. What people are employed to provide these? The federal government and others seek to assist public education. What staff do they underwrite, and with what effect on the resources for the education of our children? Finally, how many people work, in what kinds of assignments to give overall direction to Berkeley's schools?

Accordingly, we have divided the BUSD staff into these categories:

- School site staff: Table IV
- Off-site support services: Table V
- Off-site Program coordinators and support staff: Table VI
- Central administrative staff: Table VII

Within these categories, we have listed staff as either "certificated" or "classified", and "project" or "district" funded. A glossary is provided to assist the public to understand the terms.

A brief demur. We are confident of the accuracy of our information on certificated staff. We are far less sure of our information on classified positions. Among the problems encountered for that group is the large number of classifications (over 130), as well as the constant movement of people from one position to another in search of better pay or more interesting jobs. We also found poor reporting of funding sources for classified staff. Finally, the looseness of such categories as "limited term", and "professional expert", make it difficult to apply the common "full time equivalent" standard used for other employees. Nevertheless, we have included limited term and professional experts because we think it useful to know just how many people work in our District, despite the loss of precision that results.

Table I below summarizes the detailed information displayed in Tables IV through VII. It shows both the total number of certificated and classified staff in the four categories described above, as well as percentages for each group.

TABLE I
SUMMARY OF BUSD STAFF ASSIGNMENTS
February 1976

	Certificated	%	Classified	%	Total	%
District Total	965.72	100%	719.39*	100%	1,685.11	100%
. School Site	904.07	94%	423.48	59%	1,327.55	79%
. Off-Site Support Services	-	-	154.70	22%	154.70	9%
. Off-Site Program Coordinators and Support staff	53.15	5%	112.84	16%	165.99	10%
. Central	8.50	1%	28.37	4%	36.87	2%

*includes 50 professional experts, 32 C.E.T.A., and 30 Limited Term employees, but does not include noon directors or lifeguards.

The data show that 94% of our certificated staff are employed at school sites, with 5% working in off-site administrative and support jobs, and 1% in central administration. Employing 1% of the total certificated staff to manage the expenditure of more than \$30 million annually does not seem excessive. But the level of dissatisfaction among staff and community is such that it is urgent to question the types of assignments, the salaries, and the capabilities of central administration. The problem of management reorganization is a critical issue for this school district.

If significant cuts are to be made in certificated staff in order to balance the budget, it is clear from this and the following table that school site staff would be affected, since that is where the bulk of our staff is assigned. Facing this fact will be painful for the community. Under such circumstances, it becomes even more important to create effective and fair staff evaluation. With such a plan in place, there would be ground for hope that a smaller staff would be, in fact, a better staff.

Table II summarizes the data from the point of view of project funded and district funded staff positions.

TABLE II
COMPARISON OF PROJECT FUNDED AND
DISTRICT FUNDED STAFF
February 1976

	Certificated			Classified		
	Proj.	Dist.	Total	Proj.	Dist.	Total
Total Staff	72.64	893.08	965.72	215.19	504.20	719.39*
% of Total	8%	92%	100%	30%	70%	100%
. School Site	37.00	867.07	904.07	103.18	320.30	423.48
%	4%	96%	100%	24%	76%	100%
. Off-Site Support Services	-	-	-	15.00	139.70	154.70
%				10%	90%	100%
. Off-Site Program Coordinators and Support Staff	34.97	18.18	53.15	88.51	24.33	112.84
%	66%	34%	100%	78%	22%	100%
. Central	.67	7.83	8.50	8.50	19.87	28.37
%	8%	92%	100%	30%	70%	100%

* includes 50 professional experts, 32 C.E.T.A., and 30 Limited Term employees.

Here we learn that two-thirds of the off-site administrators and support certificated staff are project-funded. When Table VI, "Off-Site Program Coordinators and Support Staff", is examined, it comes as a surprise to see how many people on our payroll work for national or regional programs which have had very little direct impact on the classroom. Despite the size and scope of many of these projects, there has been little public discussion of them. It would appear that more opportunities should be provided for public review since we have taken responsibility for them.

Turning to the information on classified staff in these tables, it would seem that we have a large number of people in this category. When we subtract the thirty percent of classified staff who are project funded, there still remain one classified employee for every two certificated staff members. Moreover, this report understates the cost of this group because it cannot take into account the overtime which classified employees may work. Our investigations also revealed another potential for understatement. There appear to be some - we cannot determine how many - hourly classified employees whose names and positions are not included on any lists we could obtain.

Our conclusion is that the low status and visibility of classified staff - compared with the often dramatic discussion of certificated staff - has masked the importance of this group of employees. Scrutiny by the Board is essential for several reasons: to keep support costs from overwhelming instructional costs as enrollment declines; to address inequities in pay scale; and to examine workloads in order to assure equity and restore morale.

Finally, we have extracted from the detailed data in Table IV, information from which we have computed the staff to pupil ratios for each group of school sites from Parent Nursery through East Campus. These are listed below in ascending order, from lowest ratio to highest. Note that we have not included in the figures for computing these ratios those staff assigned to Special Education because of the distortion that would introduce. We have also excluded employees performing support services such as clerical, custodial, and food because our focus is on the comparison of instructional staff resources provided at the sites.

TABLE III
SCHOOL SITES
COMPARISON OF STAFF ALLOCATIONS¹⁾
BUSD February 1976

SITES ²⁾	Certificated Staff/ Pupil Ratio	SITES	Certificated and Classified Staff/Pupil R.
1. Parent Nursery	11.57	1. Parent Nursery	9.28
2. East Campus	12.37	2. East Campus	12.37
3. Junior Highs	16.80	3. K-3 Schools	14.26
4. Berkeley High School	16.85	4. 4-6 Schools	15.02
5. 4-6 Schools	17.51	5. Early Learning Center ^{15.12} (K-3 portion only)	
6. West Campus	18.09	6. Berkeley High School	15.36
7. K-3 Schools	18.84	7. Junior Highs	15.53
8. Early Learning Center (K-3 portion only)	20.00	8. West Campus	16.48
9. Odyssey	22.94	9. Odyssey	19.18
10. Kilimanjaro	22.97	10. Kilimanjaro	22.97

1) Does not include Special Education staff or Clerical, Custodial and Food Services staff.

2) Children's Centers and Adult School are excluded from this chart because program differences invalidate direct comparisons with K-12 programs.

TABLE IV

BUSD SCHOOL SITE STAFF

Februry 1976

TABLE IV

Enrollment	CLASSROOM STAFF				OTHER TEACHERS						OTHER TEACHERS				SUPPORT STAFF				ADMINISTRATORS			SUPPORT SERVICES										
	Certificated Teachers		Classified Aides		Prep Time	Skills Proj.	Spec. Dist.	Music Cert.	1) Class.	Certif. Driver Training	Voc. Ed & Proj.	Class. Black Study	Certif. High Potential	Spec. Educ. Class.	Library/Media Certif.	Class.	2) Certificated Psych Guid.	Classif. Coun-seling	Miscell. Proj.	Dept. Chair.	Prin-cipal	Vice Prin.	Coordi-nators	Clerical Proj.	Dist.	Custo-dial	Food Services					
	Proj.	Dist.	Proj.	Dist.																												
Children's Centers	[538]	- (plus Hourly)	68.09	1.00	25.00	-	-	-	-	-	-	-	-	{ 2.25 }	-	-	-	-	-	-	.50	{ .80 }	-	2.00	2.00	4.80						
Parent Nursery	357		29.36	.80	4.80	-	-	-	-	-	-	-	-	{ 2.80 }	-	-	-	-	-	-	.80	{ .80 }	-	2.00	1.67	-						
Early Learning Cen. [K-3 portion only]	62	-	2.50	-	-	-	-	-	-	-	-	-	-	-	-	1.00	-	-	-	-	-	-	.50	see C.C.	see C.C.	***						
K - 3 Schools	3,979	1.00	153.90	55.00	3.20	-	17.50	10.50	-	.65	-	*	*	6.33	-	10.40	-	4.95	-	9.00	-	-	10.50	2.50	-	2.47	11.50	30.77	22.10			
4 - 6 Schools	2,636	-	91.50	12.00	2.60	10.40	12.40	6.00	6.80	-	-	3.00	4.00	8.42	2.40	4.00	-	3.40 .15EMR	4.00	2.00	5.40	-	4.00	4.00	-	1.00	7.33	12.53	17.80			
Kilmanjaro [K-6]	85		3.50	-	-	.20				-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	.53	.53	-					
Junior High [7-8]	1,980	1.50	89.52	1.60	-	-	-	-	4.25	-	-	-	-	1.20	3.50	-	2.00	1.00	1.80	7.60	1.00	6.00	2.00	2.00	2.00	4.00	-	9.00	12.00	9.32		
West Campus [9]	890	.20	38.00	.80	-	-	-	-	2.00					.60	.75	-	1.00	1.00	1.20	3.20	-	3.00	1.00	1.00	1.00	-	-	3.80	7.00	3.32		
Odyssey [7-9]	117	-	5.10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.00	-	-	-	-	1.00	-	.26	***			
Berkeley High [10-12]	2,677	.40	115.52	.80	-	-	-	-	5.76	-	1.33	6.00	4.00	-	(.80)	4.50	2.40	2.00	3.00	1.80 .15EMR	10.40	1.00	9.3	5.26	1.00	2.00	4.70	-	17.06	23.00	7.16	
East Campus	200	-	13.17	-	-	-	-	-	.50	-	-	-	-	-	-	-	-	-	-	1.00	-	-	-	1.00	-	.50	-	2.00	1.00	1.00		
Adult School	3,809	-	21.24	3.65	.40	-	-	-	-	.24	-	-	-	-	-	-	-	1.00	-	1.60	-	1.3	-	1.00	1.00	1.00	.53	5.53	1.00			
Special Education:																														***		
-TMR	41	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.00	4.00	-	-	.30	-	-	-	-	-	-	-	-	-	-	-	-
-St. Marks	13	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1.50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-Home Instruction	21	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6.50	-	-	.20	-	-	-	-	-	-	-	-	-	-	-	-	-
-Growing Mind	15	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(contract)	.80	-	-	.20	-	-	-	-	-	-	-	-	-	-	-	5.17
Off-Site: Teachers, etc.	-	4.00	1.00	8.13							1.00		2.00	-	-	7.50	-	-	-	1.80	-	-	-	-	-	-	-	.40	-	-		
Sick Leave,Sabbatical Permanent Subs	-	-	6.50	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7.00	2.80			
K-12 Enrollment Adult School & P.N.	12,716	7.10	638.90	83.78	36.00	29.90	29.01	6.80	3.22	-	-	-	-	-	45.25	9.60	19.40	7.00	-	14.00	28.00	8.26	20.50	13.00	11.00	5.40	61.25	98.76	73.47			
TOTAL	16,882		646.00	119.78	10.60	58.91	10.02	6.00	6.00	3.00	5.80		54.85		26.40		18.75	27.80	42.00		52.76								238.88			

1) Music: Secondary music teachers are included in the classroom teacher allocation.

2) Classified, Miscellaneous: See Glossary

* K-3 Black Studies Coordinator and High Potential teacher are listed in the "Off-Site Program Coordinator and Support Staff table."

SUMMARY			
Certificated:		Classified:	
Project:	37.00	Project:	103.18
District:	867.07	District:	320.30
Total:	904.07	Total:	423.48****

*****Includes 6 Professional Experts, 10 C.E.T.A. employees and 11 Limited Term (Hourly) employees.

** Several Children's Centers are served by K-3 cafeterias. The Centers will be billed for actual costs.

**** These food staff persons work at Berkeley High School to deliver meals to Tilden, Grizzly Peak, Washington, Odyssey and St. Marks.

*** BHS custodial staff includes maintenance, pool, grounds, stationary engineer, & athletic equipment persons.

TABLE V
BUSD
OFF-SITE SUPPORT SERVICES
February 1976

Department	Classified					Total
	Supervision Asst.	Clerical	Other Proj.	Dist.	Custodial	
Business Office:						
- Accounting:	1.00	-	20.00			21.00
- Data Processing:	1.00	1.00	9.00		.25	11.25
- Purch/Warehouse:	1.00	1.00	5.00	7.00	.25	14.25
- Business Office:			1.00		.25	1.25
Total:						47.75
Coordinator of Plant Operations	1.00					
- Transportation:	1.00	3.00	2.00	30.37*	.25	36.62
- Food Services:	1.00		1.00	(see site chart)		2.00
- Custodial:	1.00	1.00	1.00	5.00 (see site chart)		8.00
- Maintenance:	1.00	8.00	2.00	10.00	24.00**	45.00
Total:						92.62
Communications Center:	1.00	1.00	7.00			9.00
Public Information	.33		2.00			2.33
Attendance Services		(consultant)	3.00			3.00
SUBTOTAL	9.33	15.00	15.00	61.37		
TOTAL:	24.33		53.00	76.37	1.00	154.70***

* Includes bus drivers, mechanics, dispatchers, trainers, equipment service persons.
** Includes carpenters, plumbers, painters, electricians, locksmiths, gardeners, laborers, etc.
*** Includes 6 Limited Term employees and 15 C.E.T.A. employees

TABLE VI
BUSD
OFF-SITE PROGRAM COORDINATORS AND SUPPORT STAFF
February 1976

	Coordinators				Support				TOTAL	
	Certificated Proj.	Classified Dist.	Certificated Proj.	Classified Dist.	Certificated Proj.	Classified Dist.	Classified Proj.	Classified Prof. Expt.	Proj.	Dist.
Asian Materials Cen.	6.00				7.30		12.53		11.	36.83
Babel/BabelMat.Cen.	2.00				.60		14.30		15.	31.90
Babel/LAU	3.00								7.	10.00
Building		1.00		1.00				1.00	1.	1.00
C.E.T.A.				1.00				1.00	3.	4.00
CIMA	2.00				5.00				4.	11.00
Early Growth		1.00				.20		.27	-	-
ECE/Elemen. Educ/ FollowThru/CompEd	1.17	.83			3.00		5.00	5.53	-	9.17
Ethnic Studies: - Asian		.60								.60
- Black		.60		1.00				1.00		2.60
- Chicano		.60					1.00			1.00
- Women's		.60								.60
Experimental Schools	1.00		1.00		2.00	1.00	4.00		3.	11.00
Foreign Languages		.40								.40
Health		(1.00 vacant)				3.75				3.75
High Potential		1.00				2.00		1.00		4.00
Instructional Media/ Library		1.00						9.00		10.00
Performing Arts		.60								.60
Reading		1.00					2.00	1.00		2.00
Special Education		1.00						2.53		3.53
Staff Development	.90						1.40			2.30
Title III Math	1.00									1.00
Vocational Educ./ Project REAL		1.00					2.28			2.28
SUBTOTAL	17.07	11.23	1.00	3.00	17.90	6.95	43.51*	21.33	44.	123.48
TOTAL		28.30		4.00		24.85		108.84		165.99*

Summary:

Certificated:

Project: 34.97
District: 18.18
Total 53.15

Classified:

Project: 88.51 (includes 44 professional
District: 24.33
Total 112.84 experts)

*includes 4 C.E.T.A. Clerical and 8 Limited Term employees

TABLE VII
BUSD
Central Administrative Staff
February 1976

	<u>Certificated</u>		<u>Classified</u>				<u>TOTAL</u>	
	<u>Dist.</u>	<u>Proj.</u>	<u>Supervision</u>	<u>Clerical</u>	<u>Custodial</u>	<u>Dist.</u>	<u>Proj.</u>	
Superintendent*	1.00			2.00				3.00
Asst. to the Superintendent*	1.00			.87				1.87
Asst. Superintendent - Administration *	1.00			(1.00 on reassignment)				1.00
Asst. Superintendent - Curriculum *	1.00			1.00				2.00
Business Manager	(vacant: presently filled by temporary reassignment of Dr. Maves)							
Personnel Offices: - Certificated	1.00			4.00	1.00			6.00
- Classified	-		1.00	5.00	1.00			7.00
Project Planning	1.00			2.50	2.50			6.00
Human Relations	.50			1.00				1.50
Research & Evaluation	1.00			1.00	3.00			5.00
ECE/Elementary	.33	.67			1.00			2.00
						1.50		1.50
SUBTOTAL	7.83	.67		17.37	8.50			
TOTAL	8.50		1.00	25.87**		1.50		36.87 **

* These positions are contract assignments which terminate June 30, 1977, unless renewed.

** Includes 5 Limited Term employees and 3 C.E.T.A. employees

Certificated:			<u>SUMMARY</u>		Classified:		
Project:	.67				Project:	8.50	
District	7.83				District	19.87	
Total	8.50				Total	28.37	

CERTIFICATED STAFF REDUCTIONS

The BUSD must take steps to cut expenditures sharply this year. Declining enrollment, diminishing revenue, and poor money management, point to a \$1.3 million projected deficit for the 1976-77 school year. Three-quarters of the school district's spending goes for staff costs, while the balance pays for items like utilities, bond interest, books and supplies, etc. As a consequence, the School Board is seriously considering staff lay-offs in order to balance the budget.

State law prescribes the reasons and procedures under which school districts may dismiss teachers. A permanent, certificated employee may be dismissed for cause (Educ. Code Sec. 13403), or for decline in ADA or reduction in services (Educ. Code Sec. 13447). Dismissals for either reasons are extremely difficult. Certificated employees become permanent employees when they are employed for three consecutive school years and are re-assigned the succeeding year to a certificated position. They then receive permanent status, or tenure, in order to free them from political pressure and to safeguard academic freedom. The procedures for dismissal are rigidly prescribed and include the right of appeal to the courts.

Dismissal for Cause

Dismissals for cause require that a) the charges must relate to the specific grounds set forth in the California Educ. Code Sec. 13403, and b) the charges must be thoroughly documented. We quote below from the State Education Code:

"Grounds for Dismissal of Permanent Employee

13403. No permanent employee shall be dismissed except for one or more of the following causes:

- (a) Immoral or unprofessional conduct.
- (b) Commission, aiding, or advocating the commission of acts of criminal syndicalism, as prohibited by Chapter 188, Statutes of 1919, or in any amendment thereof.
- (c) Dishonesty.
- (d) Incompetency.
- (e) Evident unfitness for service.
- (f) Physical or mental condition unfitting him to instruct or associate with children.
- (g) Persistent violation of or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of the public schools by the State Board of Education or by the governing board of the school district employing him.
- (h) Conviction of a felony or of any crime involving moral turpitude.
- (i) Violation of Section 9031 of this code or conduct specified in Section 1028 of the Government Code, added by Chapter 1418 of the Statutes of 1947.
- (j) Violation of any provision in Sections 12952 to 12958, inclusive, of this code.
- (k) Knowing membership by the employee in the Communist Party...

Other Grounds for Dismissal

13403.5. A permanent employee may be dismissed on grounds of unprofessional conduct consisting of acts or omissions other than those specified in Section 13404, but any such charge shall specify instances of behavior deemed to constitute unprofessional conduct."

It is the responsibility of the site administrator or supervisor and the Personnel Director to demonstrate cause. Documentation must include signed allegations, and must demonstrate that correct procedures were followed and were completed by the proper date. In practice, such documentation is difficult, time consuming, and expensive. The BUSD Personnel Director estimates the cost to be between \$15,000 and \$20,000 for each case of dismissal for cause. Very often, site administrators do not have the time needed for proper documentation. While the County provides free legal assistance to the school district, preparation is often not as thorough as it should be because only one Alameda County attorney is available to deal with school personnel cases. As a consequence, court challenges of school district's dismissals of teachers are usually won on procedural grounds, not on the substance of the allegations. Of course, the net effect of these legal pitfalls is that few dismissals for cause are even attempted. More often, Personnel Directors attempt to persuade an incompetent or unprofessional staff member to resign.

The need to come to grips with the problem of accountability of teachers whose job security is so well protected, led the State Legislature in recent years to adopt provisions for teacher evaluation. Educ. Code Sec. 13487 states that the "governing board must develop and adopt specific evaluation and assessment guidelines." Responsibility is placed on the district for evaluating performance of staff, including writing recommendations, if necessary, as to areas needing improvement. The school district is required to assist employees to improve their performance. However, when an employee still does not meet District standards, the district has recourse only to the cumbersome process of dismissal for cause outlined above.

Dismissal for Budgetary Reasons

The provision governing the reduction of staff due to ADA decline or reduction/elimination of services appears in Educ. Code Sec. 13447:

"Whenever in any school year the average daily attendance in all of the schools of a district for the first six months in which school is in session shall have declined below the corresponding period of either of the previous two school years, or whenever a particular kind of service is to be reduced or discontinued not later than the beginning of the following school year, and when in the opinion of the governing board of said district it shall have become necessary by reason of either of such conditions to decrease the number of permanent employees in said district, the said governing board may terminate the services of not more than a corresponding percentage of the certificated employees of said district, permanent as well as probationary, at the close of the school year; provided, that the services of no permanent employee may be terminated under the provisions of this section while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.

Notice of such termination of services either for a reduction in attendance or reduction or discontinuance of a particular kind of service to take effect not later than the beginning of the following school year, shall be given before the 15th of May in the manner prescribed in Section 13443, and services of such employees shall be terminated in the inverse of the order in which they were employed, as determined by the board in accordance with the provisions of Sections 13262 and 13263 of this code. In the event that a permanent or probationary employee is not given the notices and a right to a hearing as provided for in Section 13443, he shall be deemed reemployed for the ensuing school year.

The board shall make assignments and reassessments in such a manner that employees shall be retained to render any service which their seniority and qualifications entitle them to render."

The intent of this section seems clear: a school district in which enrollment is declining or which decides to reduce or discontinue certain programs must notify employees - in inverse order of seniority - whose services will not be required in the ensuing school year before May 15 of the current year. (Board policy in Berkeley sets this deadline forward to March 1.) In practice, however, the wording of this section has brought challenges in the courts by teachers. Most of the cases lost by school districts for dismissals under this section have been lost on procedural issues rather than on the substance or the demonstrated need of districts to cut staff or to alter priorities.

Several requirements of Sec. 13447 have proved difficult to interpret. The law states that a school district may lay off staff if there has been a decline in average daily attendance (ADA). Arguments arise over the correct method of computing ADA. Is the figure an average of the ADA for each day during the six-month period prescribed by the law? Or should it be computed for the last day of the six-month period? Must ADA decline occur in the entire district, grades K-12, or is a decline in K-6 sufficient to demonstrate a need to reduce staff with elementary credentials?

Berkeley has a special problem in computing ADA decline for purposes of staff reduction because of this year's teacher strike and its dramatic effect on student attendance. On the one hand, the State will not allow Berkeley to receive income for students not in school during the strike. But will the courts uphold the district when it uses the same ADA figure to compute the number of staff it is permitted to lay-off for reasons of declining ADA?

Another problem arises in determining the meaning of reduction or discontinuation of "particular kinds of service", referred to in lines 10 and 11. Berkeley's School Board voted in February to reduce or discontinue a number of programs. The following reductions or discontinuations were listed on dismissal notices dated February 25, 1976, sent by the district to 192 certificated staff members.

1. Prep time teachers - elementary	10. Foreign Languages - secondary
2. Library/Media - elementary	11. High School course offerings
3. Psychologists	12. Counselors
4. Guidance Consultants	13. Administration
5. Skills Specialists	14. High Potential Program
6. Special Education	15. Experimental Schools
7. Health Services	16. Interscholastic Athletics
8. VEA (Project REAL)	17. Physical Education - Grades 11 and 12
9. Driver Training	

On April 13, the Board voted to remove foreign languages, interscholastic athletics, physical education high school course offerings, and some librarians from the list. This reduced the number of positions the Board sought to terminate to 128. Hearings to determine which programs the district may cut and which employees may be dismissed were held for five days beginning on April 14. The recommendations of the hearing officer are expected to be announced in May. This recommendation is not binding on the school board.

A Court of Appeals decision (Burgess vs. Board of Education of the Norwalk-LaMirada Unified School District, 1974) held that only services which are not state-mandated could be reduced or discontinued. Subsequently, the courts have taken a very limited view of what this means, and have directed that state-mandated programs cannot be reduced even when the reduced level is above the minimum permitted by law. Since most of the Berkeley teachers who received dismissal notices have filed appeals, the hearing officer will decide which staff reductions Berkeley is seeking will be permitted.

This section of the Educ. Code also specifies that no permanent employee may be terminated when a less senior employee "...is retained to render a service which said permanent employee is certificated and competent to render." This language says more - or less - than meets the eye. It sounds as if some measure of an employee's ability to perform a service is to be taken into account. In practice, however, the only criteria used by the courts is the possession by the employee of an appropriate state credential. Therefore, seniority is the key factor, and the words certificated and competent have the same meaning when applied to employees holding appropriate credentials.

Seniority and Affirmative Action

The requirement under the law to follow strict seniority when budgetary reasons require staff lay-offs is probably the most distressing aspect of teacher lay-offs in Berkeley. The school district has pursued an aggressive effort to hire minorities in order that the racial composition of staff would more nearly reflect the racial population of our schools. The "last hired, first fired" rule applied to lay-offs will adversely affect this effort. Of the last 192 certificated staff who received dismissal letters, 69 are white, 81 are black, 29 are Asian, 12 are Chicano and 1 other. The percentage of minority staff increases the closer one gets to the "last hired".

Legislation authored by Dixon Arnet (AB2284, May 1975) was introduced in Sacramento in order to clarify and correct some of the worst problems of Education Code Section 13447. It would have permitted exceptions to be made at the discretion of the local school board to the order of termination in order to meet the requirements of an affirmative action program. (The bill would also have modified the Burgess decision of the court (see above) by defining "particular kind of service: to include all services rendered by certificated employees, and would have eliminated the ambiguities in the method of calculating ADA decline).

Despite the need for reform, AB 2284 died in the Assembly Education Committee. It is clear that legislation challenging seniority provokes intense opposition from teacher organizations. An official of the American Federation of Teachers (AFT) states the union position clearly:

"It is only right that the worker who has put the biggest part of his daily life into his job has the strongest claim to keep it... It is a contractual right... Tampering with seniority is by no means affirmative action - it is purely negative."
 Barbara Van Blake, Director, Department of Human Rights and Community Relations, American Federation of Teachers, in American Teacher, February 16, 1975

The critical problem of finding a way to protect the gains of affirmative action hiring is not one the Berkeley can solve on the local level, but is nationwide in scope.

Bumping Rights

An employee who receives a dismissal notice because his/her program has been reduced or discontinued, can take the job - or "bump" - a less senior employee, provided he/she has the appropriate credential. Therefore, the District must take this into account when official notifications of dismissal are given to employees. Ultimately, seniority, not program cuts determine which employees are terminated.

Conflicting Legal Requirements

The school district sent dismissal notices to more employees than it may, in the final analysis, need to terminate. One of the reasons for this is that under state law, school districts must submit their final and balanced budget in early August. All budget information systems, both local and state, are geared for this date. But state law also mandates that preliminary notices of lay-off be received by employees before March 15. Income projections are not very precise in mid-year. This year, the school district adopted a cautious approach to budget development, with the result that fewer lay-offs may be needed when all the figures are known.¹¹ Among other uncertainties at this time of year are the number of people planning to return from leaves of absence (expected to be about 50) and the number of people who plan to resign, retire, or go on leave of absence. Plainly, this date will affect the number actually terminated. The outcome of agreements with teachers will also be crucial.

Transfer Policy

Personnel changes resulting from staff lay-offs, if they actually do occur, combined with the relocation of students and staff required by the earthquake building program, will result in massive reorganization of BUSD staff next year. The district's ability to assign certificated staff is dependent on its transfer policy. The current transfer policy was negotiated with the Certificated Employees Council (CEC), and requires that transfers are to be based on seniority unless racial or sexual balance of the teacher's present site is adversely affected. Educational considerations or student needs are not mentioned. The School Board has proposed a new transfer policy for the coming year to the CEC which it believes will make possible a better balance between the needs of students and the rights of staff. The Board's proposal would allow the district to make transfers based on the following considerations:

1. Program needs
2. The racial balance of the school
3. The sexual balance of the school
4. Academic training and practical experience of the employees
5. The need for the expertise of a particular teacher at his or her original school or at the school to which he or she is to be transferred.

Staff Lay-offs and Credibility

Staff reductions are painful for any school district. In Berkeley, the problem is worse because the community does not believe the Board has reliable information on the district's finances due to alleged poor management in the Business Office. Until confidence is restored, it will be difficult for the community and the staff to support particular actions for resolving the current financial crisis.

REPORT ON BUSD BUSINESS SERVICES

Since money and its prudent management are major problems in the school district, the Business Services have come under close scrutiny and heavy criticism. Since the fall of 1974, much time and money have been expended on analyses of its deficiencies and extensive recommendations for improvements.

Outlined in this section are the recent reports which have been issued on the BUSD's Business Services. They are listed in chronological order, beginning with the State Department of Education report of April 1974, and concluding with the Price, Waterhouse audits of January/February 1976. The recommendations of these reports are essentially the same, though the objectives varied.

STUDIES OF BUSD BUSINESS PRACTICESSchool District Management Review:

Date: Requested in May of 1973

Final Report: April 1974

Cost: Free

A five man team from the California State Department of Education including an expert in Data Processing

The team began in October of 1973 to review the following areas of "special importance to the district". 1. Purchasing 2. Accounts Payable 3. Payroll 4. Data Processing 5. Delegation of authority and information from Central Administration to the Board to specifically solve budget and staffing problems.

46 recommendations followed:

#1. - 4 Dealt in detail with overstaffing problems and recommended that the district restrict hiring, take full advantage of attrition, tighten up leave policies and introduce an Early Retirement Plan. Implementation: All have been done

#5. - 17 Need for Purchasing procedure and a calendar, inservice education of staff, decrease in paperwork, need for written business services procedures.

#17 - 27 Employment practices: need for a personnel position control system for full budgetary control of hiring.

#28 - 41 Dealt with data processing.
(Elmer Fox and Company was hired to implement recommendations #5-41. See report on Elmer Fox)

42 - 45 Praised the Board's Budget Development Calendar and the concept of Citizens Budget and Finance Committee (advisory to the Board), suggesting minor improvements.

#46 Suggested that the use of offsite facilities be gradually discontinued. Implementation: Some rental facilities remain in use.

ELMER FOX & COMPANY ACCOUNTING FIRM:

Date: Two year contract: begun 10/15/74; amended to provide additional services

Cost: Total to March, 1976 \$168,000

Originally hired for \$50,000 to implement the State Management Team Report, this firm's contract has been amended several times. The following are the services completed to date:

A. Planning and Budgeting Manual 1975-76 and 1976-77:

This manual was developed for the use of school site budget committees. It includes a Budget Development Calendar, a description of the budget process, needed forms, and an excellent glossary. The district wide effort at decentralized budgeting, begun in 1974-75 has had mixed success. It would appear that the attempt to give each site some control over the use of funds is difficult in a time of declining income.

Elmer Fox & Co. staff has given assistance on site budgeting to school principals. More aid is needed however, and Superintendent Wilson is considering the use of a portion of his Rockefeller Foundation grant for this purpose.

B. Recommended Approach to Electronic Data Processing (EDP), February 20, 1975

Elmer Fox & Co. analyzed our data processing needs, and recommended conversion to the Honeywell third generation computer in the Hayward school district. Hayward had planned a system which pooled the needs of four or more school districts. BUSD accepted this recommendation and joined the Hayward system in early 1975. But in March, 1976, BUSD exercised its 90-day option to withdraw. Among the problems cited by district staff are the recent withdrawal of two other school districts from Hayward, thereby increasing BUSD's costs, and the much greater complexity of Berkeley's budget - compared with other school districts - which reduces the usefulness of a pooled effort. Berkeley's payroll work also presents problems because the district has permitted a great variety of deductions and exceptions. Other options for data processing are now being explored. A final decision will be made in June.

C. Recommended Action to Improve Purchasing and Warehousing Operation, January 31, 1975

Begun the summer of 1975, these new procedures have received mixed reviews. Viewed as excellent by some, others respond that the new rules are too inflexible. They demand more planning by site staff. There is a purchasing calendar which sets order and delivery dates. It was the \$25 minimum purchase order requirement which aroused the most complaints from teachers. To accommodate their needs, the business office has created an audited \$200 revolving petty cash fund for small purchases. This, of course, will require additional accounting at the site. From the point of view of cost/effectiveness, it is estimated that the \$25 minimum will reduce purchase order costs by one-quarter this year.

D. Accounting Assistance

During the crisis of the summer of 1975 (the belated discovery of a \$2½ million deficit, and the sudden resignation of the Business Manager), an accountant employed by Elmer Fox & Co. worked on the budget so that the district could meet the August 15 filing deadline. Both the final budget for the coming year and the financial report for the previous year (the J-41B forms) were due on that date under state law. The use of such expensive accounting help was criticized by the Citizens' Fiscal Review Committee in their report, but the school district viewed it as a "lifeboat" service.

E. BUSD Procedures Manual: December 1, 1975

This manual is a working document two inches thick, full of exacting forms and procedures. Its purpose is "to set forth the requirements of the new accounting and personnel information system and to guide district personnel in its use." In minute detail, responsibilities are outlined for each clerk, accountant, supervisor, etc. Pages of graphic flow charts and over fifty sample forms are included. Many of the sample form pages remain empty however, and need to be researched and prepared by our own staff. Also, other forms refer to the Hayward Data Processing System and would have to be revised if we do not continue to use the Hayward system.

Section 1 has instructions for recording and controlling money received either directly by the district or deposited with the County for our use. The procedures cover not only major local, state and federal income, but all minor income, such as the funds received for the sale of bus tickets.

Section 2 details personnel and payroll procedures. An employee master file process routes all personnel changes through the payroll department for processing. Forms include attendance records, benefits, payroll warrants, and payroll change forms. One-half of these suggested forms have not been developed.

Proper use of this process should facilitate an effective "position control model", a concept employed to assure that hiring is limited to budgeted positions. Such a model was suggested by the State Management Team and is essential to good fiscal management. Its lack has been the source of much criticism in the past. In addition to attention to detail, two major controls are necessary: (1) before hiring, the personnel office must clear with the business office to assure that funds are available in the appropriate budget for the position; (2) the School Board must approve a new hire prior to the person's addition to the payroll (a mandate of the State Education Code).

Control over certificated positions this year appears effective, but the number of classified hourly and "limited-term" employees has greatly expanded. Control over hiring and the salary levels set by directors of federal projects appears to be an especially acute problem.

Section 3 sets forth procedures for purchasing and delivery. Included are instructions for bidding, for Board approval of large orders, for utilizing comparative price quotations, and for methods of delivery.

Section 4 specifies the information and controls necessary to ensure timely payment of vendors' invoices. Late payment of bills in former years contributed to a fuzzy picture of the true financial position of the district.

Section 5 provides instruction on journal entries. The Senior Accountant maintains this record which provides a running check of the flow of money.

Section 6 sets forth procedures governing the transfer of funds from one budget to another. It requires that the budget administrator receive approval for such transfers from the School Board. Lax procedures on budget transfers in past years made a mockery of the budget process.

Section 7 details proper methods for allocating costs where costs must be divided among several budgets. This can prevent budget overruns.

Summary: Recommendations made by Elmer Fox & Co. cover a vast area. Perhaps a third of them have been implemented to date; it will take time for all the systems to be implemented and to work smoothly.

CITIZENS FISCAL ANALYSIS AND REVIEW COMMITTEE

Date: July 1975

Cost: None, except staff interview time and printing costs.

In July 1975, a Board appointed 8 member citizen committee, headed by David Partridge, met for three intensive weeks to "ascertain the district's solvency, determine the size of the 1974-75 budget deficit and to review matters appropriate and relevant to reaching a judgement on the general financial situation."

This committee found the existing situation very serious and felt it due to "egregiously bad management practices." In summary this report:

1. Detailed resource and expenditure patterns.
2. Provided clear and urgent analysis of problems associated with outside grants.
3. Anticipated an operating deficit of 5 1/2 million dollars if the district continued its present spending pattern.
4. Detailed the absence of physical asset inventories and deficiencies in the accounting, data processing and personnel departments.

Throughout the report, urgency is stressed and a time line for necessary improvements is detailed. Stress is placed on "overstaffing" and "management incompetence" as the basic problems.

Many of the recommendations have been repeated in subsequent reports. The predicted deficit of \$5 1/2 million was overestimated. The recommendation for an asset inventory is "in the process of implementation, according to Dr. Maves, acting Business Manager. The problem of over-staffing--more staff than money to pay them--is being addressed this spring.

ARTHUR YOUNG MANAGEMENT CONSULTANTS

Date: January and February, 1976

Cost: Two reports - \$20,000 total

Business Services Report: January 6, 1976

This report is:

1. A review of the current business services and plant operations with criticisms.
2. A recommended organizational plan for the Business Office (see Arthur Young exhibits #III and IV);
3. Job descriptions and personnel qualifications for the recommended positions.

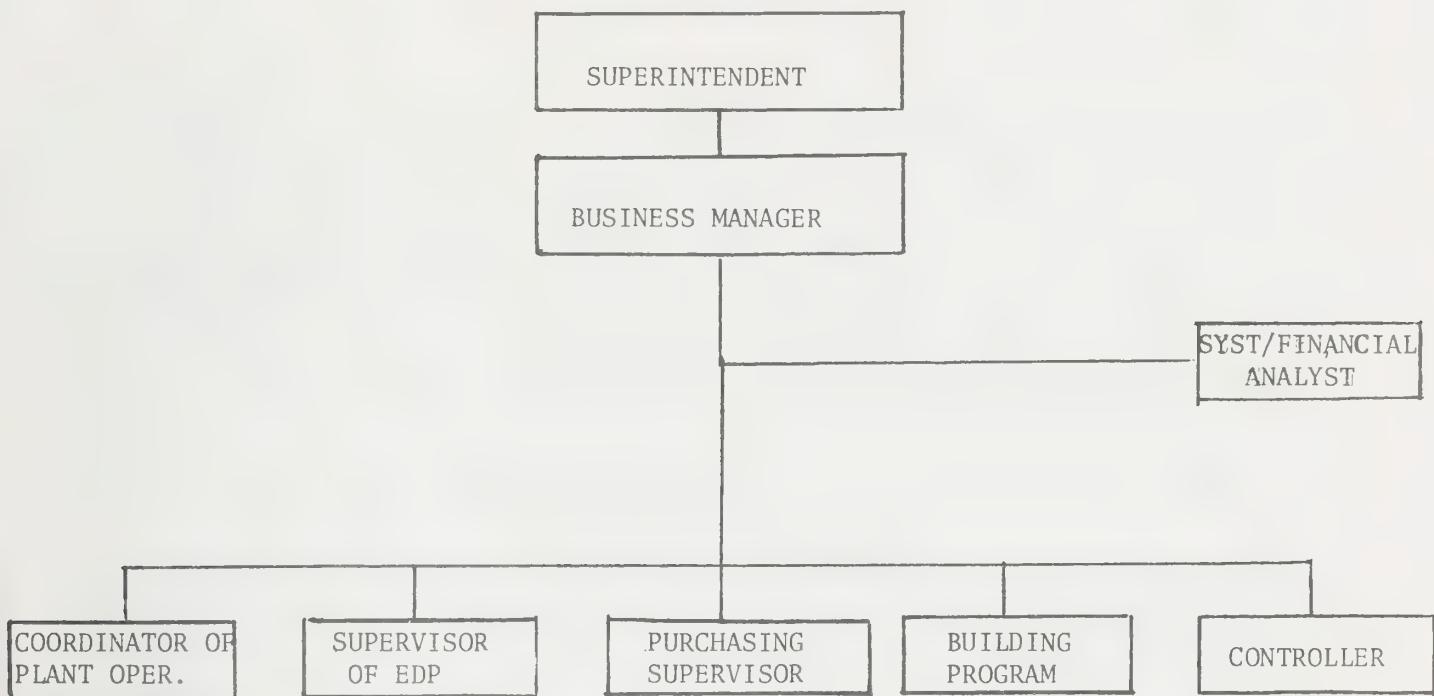
The Board adopted this report January 6, 1976, and instructed Arthur Young & Co. to begin the search for a new Business Manager, at a cost of up to \$8,000.

District Organization & Management Controls: February 10, 1976

This report analyzed the existing administrative organization, identified strengths and weaknesses, and developed a recommended organization for immediate implementation.

A long-term reorganization chart by Arthur Young & Co., together with recommendations submitted by Dr. Laval Wilson, Superintendent of Schools and Tudisco/White of Berkeley Federation of Teacher's are being presently discussed. The three reports have many similarities, although they differ in some details.

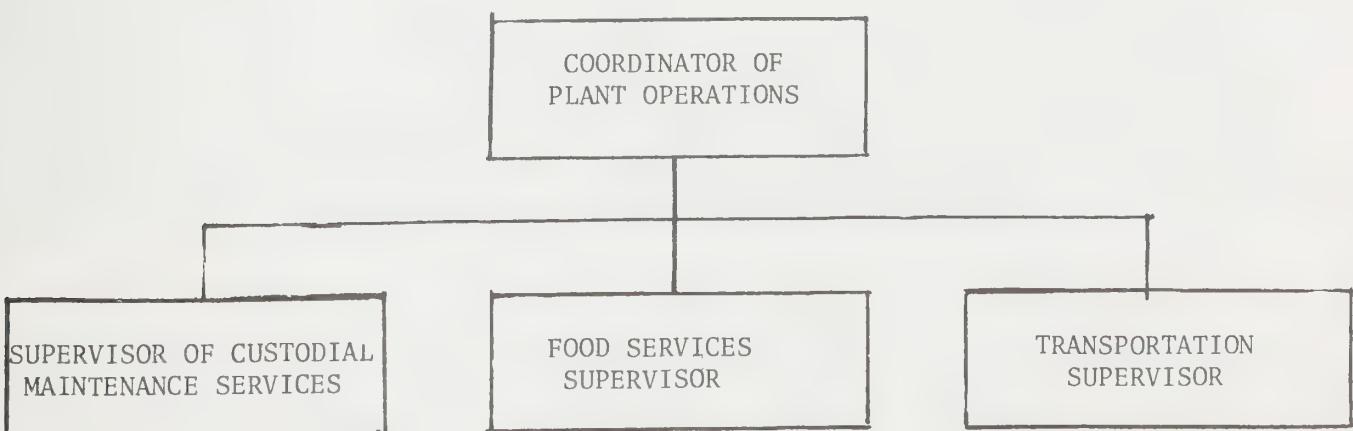
BERKELEY UNIFIED SCHOOL DISTRICT
BUSINESS SERVICES
RECOMMENDED ORGANIZATION STRUCTURE



BERKELEY UNIFIED SCHOOL DISTRICT

PLANT OPERATIONS

RECOMMENDED ORGANIZATIONS STRUCTURE

EXHIBIT IV

PRICE WATERHOUSE COMPANY

Regular Audit

Date: January 19, 1976

Cost: \$18,000

The document is the annual independent audit—required by law—for the fiscal year June 30, 1974 to June 30, 1975. As usual in these reports, many recommendations are offered which would, if implemented, strengthen internal accounting controls and procedures.

This report by Price, Waterhouse is the most useful document for the average citizen for understanding how the school district manages its money.

Notes 1 through 8 explain in detail the school district's accounting methods and how and why these differ from generally accepted accounting principles. Areas of concern are highlighted, including long-term bond principle and interest payment liabilities, and singular commitments such as bus leases, data processing, teaching retirement system, and earthquake building construction. The financial effects of the teachers' strike on next year's income are mentioned.

There are fifty recommendations for improvements, ranging from the need for control over access to the keys for the cash registers at Berkeley High School, to the need for tight controls over expenditures to assure the validity of the budget process.

In a report to the School Board on May 3, Dr. Maves indicated that 13 of these recommendations have now been implemented. These are mainly items that could be done quickly, such as competitive bidding on milk supplies and improved procedures for delivering payroll warrants to staff.

Another 15 recommendations which involve new forms and reeducation of staff are in the process of being implemented, according to Dr. Maves. Included are a calendar of reports due outside agencies (to avoid penalty fees for tardiness), and a master calendar of contract renewal dates.

More complete implementation of the Elmer Fox & Company Procedure Manual will bring the district further into compliance with the Price, Waterhouse recommendations.

Areas which have not yet been acted upon include Children's Center attendance figures, computation of fringe benefit costs based on actual, not estimated, salary figures, and one recommendation which calls for review of each department's data by persons from other departments.

Some items will not be implemented such as collection of jury duty fees, school bus attendance, inclusion of all warrants in Board minutes, and hiring of an internal auditor.

The final seven recommendations relate to student body funds. They begin by suggesting that the district acquire copies of the State Education Department's publication, "Accounting Procedures for Student Organizations", to be given to all principals.

Extended Audit

Date: February 24, 1976

Cost: \$10,000 (Contract for \$14,000 included audit of teacher organization membership)

Commonly called a "fraud audit", Price Waterhouse was engaged to perform the extended audit because of allegations of fraud, the beginning of an Alameda Grand Jury investigation (still continuing in May), last summer's belated discovery of a 2½ million dollar deficit and the sudden resignation of the Business Manager.

The document states that it tested the "attributes most likely to detect irregularities in the district" during the fiscal year ending June 30, 1975. 200 payroll and cash disbursements were sampled. No indication of extensive fraud was uncovered. Price Waterhouse Co. did discover irregularities, human error and some instances where School Board Policies and the requirements of the State Education Code were not met.

REPORT ON PPBS: PLANNING, PROGRAMMING AND BUDGETING SYSTEM

The recently (1973) revised edition of the State School Accounting Manual introduced a new mode of financial reporting which Berkeley and several other pilot districts had been experimenting with since 1968. The budgeting concept, known as "Planning, Programming, and Budgeting System" was first used in the Pentagon in the 1960's and later widely promoted in governmental circles. Its aim is to provide an improved method of developing public budgets in accordance with pre-determined goals, measuring progress toward those goals by explicit criteria, and finally analyzing the results in terms of their costs. To be effective, PPBS requires a careful definition of objectives (set forth by Boards in their Budget Assumption Letters), stringent monitoring by administrators to see that program goals are being accomplished, and finally program by program cost analysis by computers. Success depends on close cooperation between those establishing the policy goals, those defining, monitoring and carrying out the programs, and those setting up the accounting systems. In a school district this means the establishment of a clear understanding and harmonious working relationship between Board, administration, faculty, and business office.

While Berkeley has been one of the pilot districts chosen to develop PPBS, its own record in achieving consistency in budget design, analysis, and control in accordance with stated priorities has been discouraging. In 1973, four years after Berkeley had adopted PPBS, a report on the "Quality of Management Systems and Practices", made to the Department of Health, Education and Welfare (HEW) by accountants examining a federal grant project, stated:

"The adoption of PPBS was a major step toward effective utilization of District resources in performance of specifically designed activities. In practice, the current volume of information generated is beyond that which most administrators are able to use effectively. The system has materially increased the cost of maintaining accounting-budgeting control, and it has over-burdened the obsolete EDP equipment. A study may reveal that with a modern computer the system could be modified and re-structured into practicably usable form. Any benefits would also depend on management's increased commitment to effective use of the system."

Since that report was written, numerous other investigations have reiterated the lack of success and/or commitment found in Berkeley's handling of PPBS.

For program budgeting to work, a number of conditions clearly missing from Berkeley's initial attempts to implement it must be both present and coordinated. The first requirement is close cooperation between those who understand and carry out the educational process and those who manage the business accounts. Educational programs must be defined, classified, coded, and fed into an appropriately sophisticated computer. The inadequacy of Berkeley's computer, noted in the report quoted above, was finally recognized by the district in the fall of 1975, when its data processing was contracted out to an Electronic Data Processing (EDP) center in Hayward serving several districts. So far, however, this has not proven particularly successful, reportedly because Berkeley's programs are so different from those of the other participating districts. Even if the equipment problems could be solved, however, Berkeley's present program classification offers a minimum of help to the budget development process or to effective program cost analysis.

Part of the problem may be caused by the State School Accounting Manual's general framework for program fiscal reporting, but as one of the pilot districts Berkeley must presumably share in the responsibility for that format. The table below lists the sections and categories into which budgets are to be divided. It seems obvious that these are better adapted to payroll and accounting purposes than to educational analysis. Otherwise, there would seem to be little justification for the placement of all grant-funded projects under "Support Service Programs", rather than separating their costs between "instructional" and "support" components.

¹Elmer Fox & Co., CPA, to Department of Health, Education and Welfare, National Institute of Education, "Experimental Schools Project Grant No. OEG-0-71-3588, Report on Examination for the Period June 1, 1971, to December 31, 1972," p.7.

TABLE I
State School Accounting Manual Classifications

Division	Categories
1. Instructional Programs:	a. General Education b. Special Education
2. Support Service Programs:	a. Instructional Support (site administration, libraries, audio-visual programs, etc.) b. Special Projects (all grant-funded and compensatory programs) c. Pupil Services (guidance, counseling, attendance, welfare, health) d. General Support (central administration, maintenance, transportation, etc.)
3. Auxiliary Programs	a. Community Services b. Facilities acquisition and construction c. Food Services
4. Other Outgo	a. Debt Service b. Tuition c. Interfund transfers, etc.

The State has so far not mandated the classification system within these general categories. There is such wide disparity among districts as to programs and how they should be defined that inter-district comparisons at this point are almost meaningless. While Berkeley's programs are currently being re-coded, the conception will remain about the same. For example, the section called "General Education" has the largest number of instructional activities financed by the District, yet the classification of programs within it has little reference to the nature of the educational services on which the money is spent. One looks in vain for educational objectives, such as the types of skills, e.g. mathematical or language skills, training in logic, etc., stressed by the programs. Instead, the program breakdown offers a heterogeneous collection of titles such as grade levels served (e.g. Standard K-8) or activity (e.g., Driver Education) or subject matter (e.g. Asian Studies). One must assume that English and Mathematics are included under blanket labels such as "Basic Instruction" or "Standard".

No computerized selection of programs according to educational aim or process is provided for. Cross-coding, which is used, for example, to classify grant-funded programs by funding source, project title, or school site, makes it easy to ascertain funding sources and budget control numbers, but it does not facilitate analysis by characteristics meaningful to the educational process, such as the teaching tools or methodology employed, the special instructional purpose served, or the learning theory involved.

If the School Board wished to analyze the budget in terms of its own stated priorities, a minimum of help is available from this breakdown. Many of these priorities have to do with broad objectives or "basic skills". Unfortunately, Berkeley's program breakdown precludes any sophisticated cost analysis of the programs most directly concerned with teaching those skills. Information about the costs of different kinds of programs directed to different educational goals could prove extremely useful, even in the absence of very satisfactory measures of program effectiveness.

Until a satisfactory program breakdown can be agreed upon by school districts throughout the State, inter-district reporting of expenditures by program will probably remain so broad as to be of little use. For the first time, the Alameda County School Department's Report of Financial Transactions of School Districts for 1974-75 provides a rudimentary program expenditure comparison. In the absence of definitions of terms, this breakdown is frustratingly uninformative, though it is a small beginning toward what could be a major development in school financial reporting.

**Report on the BUSD Field Act
Building Program**

The Field Act

The Field Act is a State law which requires that K-12 school buildings be brought up to modern building code standards for earthquake safety. There are two ways a school district may comply with the Field Act. Buildings determined to be unsafe under the Act can be rehabilitated or they may be torn down and new ones built.

Recent amendments to this law required school districts to abandon unsafe structures by June 1975, unless work to repair or replace them had begun by that date, in which case students might remain in non-complying structures until June 1977 at the latest.

School Sites Affected in Berkeley

In 1971, the School Board was informed by the Superintendent that all Berkeley K-12 school buildings complied with the Field Act. A citizens committee - later known as the Marcell Guest Physical Plants Needs Committee - was formed during the 1973-74 school year to study long-term building needs of the district. Questions they raised led to the discovery that portions of Jefferson, John Muir, King and Willard Junior High Schools, and the whole of TMR (Trainable Mentally Retarded) School were not in compliance with the Field Act. In addition, a number of portables at Longfellow, Columbus, Franklin, Thousand Oaks and Washington also did not comply.

Financing

In the summer of 1974, when the doubts raised by the citizens committee had been confirmed by a search of state records and an examination of the sites by the District's consulting engineers, the School Board formed the Select Committee on Building Finance to study methods of financing construction or rehabilitation. Twenty citizens participated and weighed two alternatives: a bond election or a loan from the State school building fund. Two considerations led the committee to recommend against a bond election. First, the urgency of time: preparing and calling a bond election would require at least a year, with no guarantee of success. Second, a state loan might be secured for about 5% interest, while municipal bonds at that time were both difficult to market and costly (7% or more). Lease-purchase was discussed but discarded as impractical for this program. Accordingly, the committee recommended that the district seek a state loan.

Under the terms of the loan, the school district was required to put up matching funds to be raised by a twenty-cent override tax, levied for a maximum of three years. The district applied for and received a loan of about \$6 million, and levied the first earthquake safety building override in August 1974.

The first year's revenue from the override tax (\$640,000.) can be used only for Field Act projects, and is currently being drawn upon for the preliminary work. During the subsequent two years, up to one-half of the override tax revenue may be used for costs related to the building program which the state loan does not cover, such as modifications to safe buildings in conjunction with the building program, additional transportation costs for relocation of students during construction, and landscaping work.

The State loan will be repaid over a period of 20 years, through a special tax. Repayment begins upon completion of the first structure. The estimated tax rate is 17.32 cents/\$100 assessed valuation for the first year, declining to 6.24 cents/\$100 AV in the 20th year of the loan. The cost of the loan will not appear in the local school tax rate but will be included as a special assessment under County taxes.

Allocation of Funds and Space

The State Allocation Board, which administers these loans uses a complex formula for determining the amount of money it will lend school districts. Applying this formula to Berkeley, which has 180,000 square feet of unsafe space, the state determined that it would provide money (about \$6 million) to rebuild or rehabilitate 107,049 square feet.

Faced with this fact, the district had to decide how to divide up the funds to assure that housing would be available for K-12 students where it was needed. A demographic study was commissioned from the University of California's Survey Research Center to assist in assessing enrollment patterns. The table below shows past and projected enrollment, and the final division of square footage among the sites decided upon early in 1975:

TABLE I

School	Enrollment 1964	Enrollment 1974	1981 Projected Enrollment	Unsafe Sq. Ft.	Space Allocation
Cragmont	618	423	366	26,800	9,000
Jefferson	743	477	443	13,060	6,360
John Muir	397	469	491	26,000	26,000
King Jr. High	1,686	1,225	883	32,150	14,000
Trainable Mentally Retarded	22	47	40-60	5,716	9,138
Willard Jr. High	1,013	842	722	76,280	43,355

Other districts in the Bay Area, such as Oakland, Piedmont, Albany, and San Francisco are not affected by the constraints of the State loan program because each has held successful bond elections.

Architect Selection

The firms of Collin/Byrens and Gerson/Overstreet were selected in 1968 as the school district's architects. The selection process used by the School Board at that time followed closely recommendations of the School Building Bureau of the State Education Department. Thirty-two architectural firms were screened by an interviewing team, which narrowed the selection to four finalists. The School Board made the final decision.

Numerous projects have been executed for the district by these architects during the past nine years. Each of these firms also does work for many other school districts and public agencies, as well as doing work in the private sector.

Rehabilitation or New Construction?

In the case of TMR and King Jr. High School, it made little sense to rehabilitate the dilapidated bungalows involved, so these decisions were easy. Because Trainable Mentally Retarded would house students for their entire school career, beginning at 3 years of age through 21, and their facilities were cramped, the district increased their square footage by nearly one-half to 9,138 sq. ft. (see Table I). King Jr. High, on the other hand, did not need all the space in its unsafe bungalows (32,150 sq. ft.), with the result that it was allotted 14,000 sq. ft.

John Muir was the only one of the affected schools whose enrollment projection was upward. All of the others showed a declining enrollment. Current enrollment at Cragmont and Jefferson is well below the capacity of their facilities. The large old building at Cragmont has many empty classrooms, for example. Accordingly, because of Muir's enrollment needs and because of the beauty of the old building, full scale rehabilitation of John Muir at a cost of \$50.00 per square foot was decided upon, requiring a space allocation of 26,000 square feet.

A total of 49,138 sq. ft. was now subtracted from the space bank, leaving 57,911 sq. ft. for Cragmont, Jefferson and Willard Jr. High. Based on the following calculations, it was decided that the district did not have the funds to rehabilitate these schools, nor did their enrollments require it:

1. Total amount of unsafe space:	116,140 sq. ft.
2. Cost per square foot for rehabilitation: (This is an accepted estimated square foot cost of minimal* rehab of wood frame school buildings)	\$30.00/sq. ft.
3. Total cost of rehabilitation: (\$30. x 116,140 sq. ft.) (Includes a small reserve for unforeseen problems often encountered in rehab. work)	\$3,484,200.
4. Funds available for construction after deducting John Muir, TMR, King Jr. High	2,597,120.
5. Difference between estimated cost of rehab. and funds available:	(\$ 887,080.)

*minimal rehabilitation means strengthening the structure and replacing elements damaged or destroyed in the course of doing so. It does not include educational upgrading, replacement or upgrading of heating, ventilation, electrical and fire alarm systems, site electrical and plumbing utilities.

The Planning Process

In the summer of 1974, the School Board established a number of committees to assure community involvement in the building program. Site committees composed of staff and parents were charged with detailed planning at each site, in conjunction with district architects and building department staff. A district-wide Planning and Design Committee, composed of citizens and staff, coordinated the work of these committees, and made recommendations to the School Board. A representative of the City's Community, Parks and Recreation Department assisted the central Planning and Design Committee and Willard's site committee. The involvement of the site committees varied from practically complete control over every detail, to a more general approach. Community involvement varied also. Willard, for example, attempted early in its planning to enlist neighborhood organizations and the Berkeley Architectural Heritage Association (BAHA). These efforts were unsuccessful, although the Willard Neighborhood Association ultimately sent a representative.

Site committees conducted surveys of parents, students and staff to assist them in their work. They also visited new and rehabilitated schools in other communities, sought out expert opinion from officials in districts with recent experience in school design, and used the resources of the UC Library and the State School Building Department. Willard's site committee attended hearings of the RISE Commission (Reform in Secondary Education) in Sacramento in order to learn the emphases of planning for secondary schools at the state level. Both John Muir and Willard's written educational specifications are models of detailed, thoughtful planning.

To assure that the buildings planned by these committees - which would house students for the next 50 years - would be functional in terms of the educational program, the district convened an Educational Planning and Grade Configuration Committee in October 1974, to study the matters described by its title. Composed of 40 members, including both staff and community persons, the committee submitted a detailed report three months later. Major recommendations they urged be taken into account in each site's planning were:

- flexibility to accommodate changing educational approaches;
- effective use of facilities for both school and community;
- reducing the size of large schools; in total, or through the use of mini-schools;
- provision for team teaching;
- adequate electrical capacity for audio-visual equipment.

Because a large number of students would need to be relocated temporarily as a result of the building program, the district convened an Alternative Sites Committee, again including staff and community members, to make recommendations on the best solution to this problem. The Committee concluded that double sessions would not be required, if more crowded conditions on some campuses would be tolerated. Beginning in the fall of 1976, the following shifts of students and staff will occur:

- John Muir: students now housed in the unsafe main building will move to a self-contained section of Malcolm X.
- Willard Jr. High students will be housed at West Campus, along with 9th grade Willard students. King Jr. High 9th graders will move to Berkeley High School.
- TMR students have already been divided between Columbus and Grizzly Peak for the duration of construction.
- All King Jr. High 7th and 8th graders, Cragmont and Jefferson students will be accommodated at their present sites.

Informing the Public

Local newspapers have provided extensive coverage on the district's earthquake safety building program since its beginning in April 1974. They reported the belated discovery of the unsafe structures, the formation and recommendations of the various committees, the levy of the override tax in July 1974, the threat of school closure in June 1975, and the extension of this deadline for two years by the state. The newspapers have carried reports on all decisions affecting rehabilitation or new construction, and conceptual, preliminary and final plans for each site. In addition, the Superintendent mailed a bulletin in the fall of 1974 on the building program to every family with children in Berkeley's schools. School site committees have sent notices and reports to staff and parents of their respective schools.

The Ad Hoc Committee for Berkeley School Rehabilitation

As the building program neared completion of planning details, the district invited the Berkeley Architectural Heritage Association (BAHA) to help decide which artifacts within the structures to be demolished should be preserved. Items such as fireplaces, fountains, doors, and murals were being discussed at site meetings. In October 1975, members of BAHA visited Cragmont, Jefferson and Willard, and submitted a report dealing with the artifacts. Some BAHA members concluded, however, that the unsafe structures at these sites should be preserved in their entirety, and that if funds were limited, only the barest amount of rehabilitation should be done. The most important issue, in their view, was the preservation of these schools because of their beauty and historic architectural value. They were also concerned about the loss of space.

Members of BAHA formed an ad hoc committee to persuade the School Board to reverse its decision to proceed to new construction at these sites. The group asked the Board to halt planning pending the outcome of detailed feasibility studies of the prospects of rehabilitation.

The Question of Feasibility Studies

The district's consulting engineers had reported that studies of these buildings made by the State's engineers in the 1930s indicated the feasibility of structural rehabilitation. No study is required to assess this issue. The important questions are about the financial and educational feasibility. Spokespersons for the school district argued, one, that the state loan does not provide enough money for even minimal rehabilitation of the three schools; two, that even if funds were sufficient, minimal rehabilitation is not acceptable because it does not address many basic needs of these structures, such as worn out plumbing, wiring, and heating systems, and the additional maintenance costs associated with old, large buildings would be a needless drain on diminishing income in future years; three, that full-scale rehabilitation is required to modernize these facilities both physically and educationally and this costs about \$50/sq. ft. and, finally, that enrollment projections continue a trend which has existed for many years in Berkeley - and in the nation - and indicate that less space will be needed because there will be fewer students.

Continuing Efforts of the Ad Hoc Committee

On these grounds, the School Board denied the request of the Ad Hoc committee. The group then sought to challenge the district's plans before the City's Board of Adjustments, the State Allocation Board in Sacramento, and in the State legislature. They failed in Sacramento, but were upheld by the Board of Adjustments, which denied the school district's request to continue the use of these sites for schools. The School Board appealed the Board of Adjustments decision to the City Council, but was again denied use permits for these schools. Under the State Education Code, a school district has the right to render a zoning ordinance inapplicable. On May 6, the School Board in Berkeley, by a 2/3 vote, passed a resolution which had the effect of exempting it from the City's jurisdiction on this matter with regard to Cragmont and Willard. Their final decision on Jefferson is pending.

The Ad Hoc Committee has threatened to take the district to court to prevent demolition of the unsafe portions of these schools. If they do, the outcome will be costly in both time and money for the district, whatever the court decides. The construction calendar will be stopped, while costs of labor and materials continue to rise. Students may be relocated for a longer period than under the present calendar. If the court orders feasibility studies, and rehabilitation is not pursued, the cost of these studies - \$40,000. approximately - would have to be borne by the district's general fund, not the building fund. If rehabilitation is finally accepted, the costs already incurred in planning for new construction would not be allowed by the State and so would be borne by the general fund. These latter costs come to a minimum of \$180,000 , and could run as high as \$300,000. This does not count the thousands of hours of planning time by staff and parents who have participated in the process since its inception.

Proposition 1

The June 1976 election ballot includes Proposition 1, written by Assemblyman LeRoy Greene (Dem.-Sacra.). One of the purposes of the proposition is to provide loans at low interest rates so that school districts can upgrade facilities which presently meet Field Act standards, but because they are more than 30 years old, are educationally obsolete.

The State is able to market bonds for construction purposes at much lower rates of interest than individual school districts. Consequently, local taxpayers would realize a saving when repairing or replacing eligible buildings. Approval of a building program under Proposition 1 would require a simple majority vote of the electorate.

The only other restriction on applications for loans if Proposition 1 is successful is that buildings which have been rehabilitated during the past 30 years - even minimally - cannot qualify for loans for 30 years from the date they were repaired.

School buildings in Berkeley which would be eligible include Thousand Oaks, Hillside and sections of Berkeley High School, such as the old gymnasium and much of King Junior High.

**HOW IS THE PUBLIC AFFECTED BY THE NEW
COLLECTIVE BARGAINING LAW IN EDUCATION?**

With passage of the Rodda Act (SB 160), collective bargaining in education - kindergarten through community college - has become law in California. The Educational Employment Relations Law takes effect in three stages. The first stage was completed in January 1976, when Governor Brown appointed the three-member Educational Employment Relations Board (EERB), which will administer the law. To avoid some of the problems associated with the Farm Labor Board, all of Brown's appointees are so-called "neutrals", i.e., persons without direct experience in education. They are Reginald H. Alleyne, Jr., Chairman, Gerilou Cossack and Ray Gonzales. Whether inexperience with the unique problems of public education will create its own difficulties remains to be seen.

The second stage of the law went into effect April 1, 1976, the first date that employee organizations could apply to become the exclusive representative of employees in a school district. The Rodda Act will replace the existing Winton Act and will become fully operational on July 1, 1976. Note that employee negotiations now being conducted in Berkeley to reach agreement on policies which will be in effect during the next school year are necessarily being conducted under the provisions of the Winton Act, which has heretofore governed school employer-employee relations.

Summary of Provisions of the Rodda Act

The Rodda Act is not a "classic" collective bargaining bill, but it contains many elements of traditional collective bargaining. The following summary contrasts the new law in some of its important aspects to the Winton Act:

1. The purpose of the bill is to improve personnel management and employer-employee relations in schools (K-14) by recognizing the right of employees to join organizations of their choice, and permitting them to select one employee organization as their exclusive representative. The Winton Act does not permit exclusive representation by one employee organization, but rather provides for a representative council, the Certificated Employees Council (CEC), as the teachers' negotiating agent. In Berkeley, the present composition of the CEC is nine delegates, five representing the Berkeley Federation of Teachers, and four representing the Berkeley Teachers Association. Exclusive representation is a very important provision from the point of view of employee organizations, since they believe that the CEC representation technique was used as a means to "divide and conquer" the employee groups. Hard and bitter fights between the employee organizations to win representation elections and become the bargaining agent for all employees in the unit can be expected - especially between the teachers' organizations. An election will be required in Berkeley to determine whether the Berkeley Federation of Teachers or the Berkeley Teachers Association will become the teachers' exclusive representative, since the two organizations have nearly equal membership.

Prior to holding an election, bargaining units must be established. A bargaining unit is comprised of employees with a "community of interest". The district's classified employees are more likely to be affected by this provision than the teaching employees. Once a unit is defined, employee organizations may compete to win the right to be its exclusive representative. The School Board must meet and negotiate with the exclusive representative of each bargaining unit.

2. The Rodda Act permits organizational security; the Winton Act does not. Organizational security is a negotiable item and can be in one of two forms:

- 1) permits an employee either to join or not to join an organization, but once he joins, he must maintain his membership for the duration of the contract, or
- 2) requires an employee to join the exclusive representative's organization or pay a service fee (equal to dues) to it during the life of the contract.

The school board may require that the security agreement be approved by a majority of employees to be effective and that it may be rescinded by a majority vote. Once an exclusive representative has been selected, the Rodda Act provides for dues deduction for the exclusive representative only, while the Winton Act provides for dues deduction for all employee organizations.

The effect of the provisions for organizational security and dues deduction for the organization which wins will be to strengthen the employee organization which wins the right to exclusive representation.

3. The Rodda Act establishes a three member board at the state level, appointed by the Governor, to administer the law and sets forth the powers and the duties of the board. The Winton Act has no such board and the sometimes haphazard operation of the Winton Act plus the necessity to go to the courts for rulings in all cases of differing interpretations was the major cause of dissatisfaction. The board is called the Educational Employment Relations Board (EERB).

4. The Rodda Act calls for "meeting and negotiating" and defines this as "meeting, conferring, negotiating, discussing by the exclusive representatives and the public school employer in a good faith effort to reach agreement..." The term "good faith" is interpreted historically in labor relations to denote evidence of an open and flexible attitude with the possibility of positions being modified.

The Rodda Act permits a written contract, while the Winton Act does not. A written contract is more binding than the kinds of policies and agreements permitted in the Winton Act.

The Rodda Act permits binding arbitration of grievance disputes. Binding arbitration is the final settlement of a dispute by an impartial third party. A grievance dispute refers to a claim that an existing contract has been violated. The Winton Act permits school districts to establish grievance procedures for which the final recourse is the courts.

Binding arbitration is not permitted in interest disputes, which are disagreements over the terms and conditions of a contract being negotiated.

5. The Rodda Act defines the scope of representation (the matters which can be negotiated) as "limited to matters relating to wages, hours of employment, and other terms and conditions of employment. 'Terms and conditions of employment' means health and welfare benefits...leave and transfer policies, safety conditions of employment, class size, procedures to be used for the evaluation of employees, organizational security...and procedures for processing grievances...In addition, the teachers' exclusive representative has the right to consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks...All matters not specifically enumerated are reserved to the school board and may not be a subject of meeting and negotiation."

The Winton Act, as it has evolved in practice, has what would seem a broader scope, especially as a result of recent court decisions. However, as with all complex legislation, it can be expected that the Rodda Act will undergo court testing, and future legislative amending in order to clarify and determine its limits in many areas.

6. The impasse procedures in the Rodda Act in interest disputes are similar to the Winton Act. Either side can declare impasse when they decide that further negotiations would be futile and a mediator must be brought in. If after mediation, a dispute is not resolved, either party may request factfinding. Factfinding consists of an investigation of the facts by a three member appointed committee.

The factfinding panel is charged with arriving at findings and recommendations for settlement. However, these findings and recommendations are advisory only and not binding. Recommendations are required of the panel under the Rodda Act, while the Winton Act permits recommendations if both parties agree.

7. Public Accessibility under the Rodda Act. Public access is reduced in terms of the manner in which the Winton Act was supposed to operate legally, but in fact did not in most districts. The reduction comes basically from the elimination of the Brown Act (California Open Meeting Law) requirements for all school board meetings. School boards will now be able to legally discuss all negotiating matters in executive sessions. (However, this is not so far from the way the Winton Act has actually operated in many school districts.) In addition, the Education Code requirements for notification of special meetings of school boards are waived if the meetings relate to matters within the scope of representation. It will probably take some "watchdogging" to insure that only those subjects within the scope of representation are dealt with in executive sessions. However, since the scope is reduced and clarified, it should become clearer what can, and what cannot, be considered a negotiating matter.

Public access provisions are included in the Rodda Act and are patterned after AB4114 (Vasconcellos) 1974. These "Sunshine" provisions were sponsored by the League of Women Voters of California and are designed to provide some citizen access to the negotiating issues. They provide the following:

"3547. (a) All initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records.

(b) Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer.

(c) After the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal.

(d) New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such subject by the public school employer, the vote thereon by each member voting shall also be made public within 24 hours.

Berkeley's Expansion of "Sunshine" Provisions

Berkeley went one step further than required by law when it appointed the first "Citizen's Advisory Committee on Negotiations" early in 1975, and again this year. Members are parents, taxpayers, students and representatives of school district organizations. Committee members analyze the proposals of the School Board and employee organizations, prepare relevant research data, and explore reactions in the community to the pertinent issues. They also take turns sitting in on negotiating sessions as observers, and advise the Board on its negotiating stance throughout the course of negotiations.

Chart for Comparison of Major Features of Winton Act and the Rodda Act

PROVISION	WINTON ACT	RODDA ACT
Representation	Certified Employees Council (CEC)	Exclusive representative if employees select an exclusive representative
Organizational Security	None	Can be negotiated
Dues Deduction	For any employee organization	For exclusive representative only
Administration	Recourse to the courts	EERB and the courts
Bargaining Process	Meet and confer. No contract with employee organizations	Meet and negotiate in "good faith". Permits contracts with employee organizations
Scope of Bargaining	All matters relating to employee conditions including "terms and conditions of employment" (more open)	Defines and limits the scope to specific areas (more limited)
Settlement of Grievance Disputes	In courts	Permits binding arbitration
Settlement of Interest Disputes (Impasse)	Mediation. Factfinding - third party on factfinding panel appointed by two disputing parties. Panel may make recommendations	Mediation. Factfinding - third party appointed by EERB. Factfinding panel <u>must</u> make recommendations.
Strikes	Does not permit	Does not permit
Unfair practices	Limited definition. Recourse only to the courts.	Specific definitions. Recourse to the EERB
Final Decision-Making	Employer	Employer after "good faith" negotiations
Meetings	Subject to Ralph M. Brown Act (Open Meeting Law)	Ralph M. Brown Act inoperative for all negotiating matters
Public Accessibility	Presentation of initial proposals in public, public response, new subjects and votes within 24 hours	Presentation of initial proposals in public, public response at school board meeting, new subjects within 24 hours, EERB may adopt policies to administer

GLOSSARY

Average daily attendance (a.d.a.). Total approved days of attendance in the school district divided by the number of days the schools in the district are in session for at least the required minimum day. (Refer to Education Code Section 11251 and California Administrative Code, Title 5, Education, sections 400-424.)

Asian Material Center. A five-year program supported by federal funding, under ESEA Title VII. It is national in scope. Its purpose is the development and dissemination of Chinese, Japanese, Korean, Filipino, and Samoan bilingual curriculum materials.

Bay Area Bilingual Educational League (BABEL). A program establishing a consortium of five school districts to forward bilingual education, federal funding, under ESEA Title VII. The program includes teacher training and career lattice for teaching assistants, administrators and doctoral degree candidates. BASTA is a similar program financed by the State.

Certificated. Positions in a school district for which the State requires an appropriate California certificate (or credential). Certificated employees include teacher, administrators, counselors, librarians, and nurses, for example.

Comprehensive Employment Training Act (CETA). A program federally funded, through the City, to provide employment and training of unemployed persons for a limited term. BUSD has the responsibility to assist these persons to acquire the skills for, and find, long term employment.

Children's Centers. Children's Centers provide year around, 11/hours/day care for children 3-4 years of and before and after school/holiday/summer day care for school age children. The Children's Centers are financed by the Child Development Fund override tax levied by the School Board, and by a fee of \$1.14 per hour paid by the parent or the State. The Centers serve predominantly low-income families with working mothers.

Center for Instruction in Multilingual Application (CIMA). A federally funded project, from the U.S. Office of Education, for pre-service and in-service training programs for bilingual program staff in Northern California and the Pacific Northwest. Bilingual curriculum is also developed.

Classified. All non-certificated positions in a school district (except part-time playground directors, student workers, apprentices, and professional experts). Similar to civil service: permanent employment requires successful completion of test for the classification.

Classified, Miscellaneous: includes student supervisors (secondary schools), community aides, counseling aides, student center aides, curriculum assistants, ESP program coordinator, kiln attendant (Adult School), for example.

- Limited Term (hourly): an employee hired for a temporary job (not to exceed six months), or who replaces a permanent employee during the latter's authorized absence.
- Professional Expert: a person performing a job for which there is no title under the system which governs classified employees. Usually involves special expertise. No test is required for employment, and no job security guaranteed. Pay is a flat monthly stipend, without fringe benefits or overtime, set by the administrator authorizing the position. All professional experts in BUSD presently are project-connected.

Clerical: includes a large number of classifications ranging from secretaries and clerks to accountants, technicians, magnetic tape typewriter operators, and more. Full details are available in the Classified Personnel Office.

Compensatory Education: Federal and state funding, under ESEA Title I, for low income, underachieving pupils.

Driver Training, Vocational Education, High Potential, and Special Education are programs which receive special funding from the State.

Early Growth: District and Head-Start funded program to assist in mainstreaming handicapped children, beginning at the pre-school level.

Early Learning Center: Model school for children 3-8 years of age. Combines children's center, parent nursery, and K-3 programs.

East Campus: continuation high school, required by law, which serves the needs of students who must work part time; provides an opportunity for the completion of the academic courses required for high school graduation and provides a "specially designed program of individualized instruction and intensive guidance services to meet special needs of pupils with behavior or severe attendance problems." Quoted from Education Code No. 5950.

Early Childhood Education: State program, sponsored by Wilson Riles, State Superintendent of Public Instruction, for development of new models at the early elementary level.

Employee benefits: Amounts paid by the school system on behalf of employees; these amounts are not included in the gross salary, but are over and above. They are fringe benefit payments; and while not paid directly to employees, they are nevertheless a part of the cost of salaries and benefits.

Experimental Schools: final year of a five-year project financed by the federal government (National Institute of Education NIE) directed toward the development of alternative models of education.

Follow-through: federal funding for curriculum development at early elementary levels, teacher training, and parent/child education model keyed to "responsive environment" concept in desegregated setting.

FTE (full time equivalent): Numbers on charts refer to FTE or staff positions. One FTE, for example, may mean one full-time staff person, or several part-time staff persons.

General Fund: The fund used to finance the ordinary operations of the school district. It is available for any legally authorized purpose.

High Potential: uses funds received from the State for pupils identified as "mentally gifted minors."

Kilimanjaro: alternative school for pupils K-6.

LAU (multi-cultural assistance center): federal funding, from U.S. Office of Education, to provide assistance to other school districts to implement Lau v. Nichols, a court case which established certain rights for children whose language is not English. Aid is provided in evaluation, curriculum organization, and community relations.

Meet and Confer Negotiations (Winton Act): Process of negotiating terms and conditions of employment intended to emphasize the differences between public and private employment conditions. Negotiations under "meet and confer" laws usually imply discussions leading to unilateral adoption of policy by legislative body rather than written contract, and take place with multiple employee representatives rather than an exclusive bargaining agent.

Odyssey: alternative school for pupils in grades 7-9.

Off-Site: Teachers, etc.: includes the following assignments:

Teachers:

- English as a Second Language
- Parent/Child Care (teen-age mothers and infants)
- Parochial Schools: St. Joseph's and School of the Madeline. These schools share in the money received from the federal government under legislation to aid the integration of schools (ESAA).

Aides: Parochial schools (see above)

Music: accompanists for choral groups at secondary schools

Psychologists: Parochial schools (see above)

Special Education: itinerant teachers for speech, hearing, and visually handicapped pupils.

Overhead: Elements of indirect cost necessary in the operation of the school district or in the performance of a service that are of such nature that the amount applicable to each accounting unit cannot be determined readily and accurately.

Override tax rate: A tax rate levied at the discretion of the school board for a specific purpose. The tax income received from this source may be used for the designated purpose. Override tax rates may be levied in addition to the general purpose tax rate.

Parent Nursery: Parents enroll in the Adult School so their children can attend a nursery school which meets five days per week, 3 1/2 hours/day, for the same school year as K-12 students. Parents fulfill course requirements by participating themselves in the nursery school program for 200 hours/year.

Prep-Time: Refers to teachers at 4-6 schools who replace the classroom teacher for those hours each week he/she is released from regular duties in order to prepare work for the classroom. Teacher preparation time is part of the negotiated agreement between staff and School Board. Secondary and K-3 levels handle prep-time through scheduling.

Project/District: Refers to funding source. "Project" usually means positions are supported by federal funds or foundation grants. "District" usually means local and state funding.

Rodda Act (SB 160) (1975): Collective Bargaining for school employees kindergarten through community college

School Site Coordinators: Includes grade coordinators, attendance supervisors, student activities coordinator, athletic director, and records center supervisor, for example.

Skills Specialists: Teachers with special training/skills who assist classroom teachers and work with students who have needs in the basic skills areas.

Special Education classes at regular school sites are of two types: "self-contained" and "pull-out". Self-contained classes include aphasic, autistic, educable mentally retarded, and educationally handicapped (learning assistance) pupils. Pull-out classes include vision, speech, and hearing handicapped pupils, and students with emotional and/or neurological problems (learning assistance). Includes High Potential and East Campus programs.

Special Education schools:

- TMR - Trainable Mentally Retarded
- St. Mark's - school for pregnant teenagers
- Home Instruction - serves students in home or hospital who cannot attend school because of extended illness or injury.
- Growing Mind- serves children from several school districts who have severe emotional or learning problems.

Staff Development: foundation funds to train teachers, staff and community to work more effectively.

Title III Math: funded under ESEA Title III, to improve math skills of students in grades 4-6, with inservice support for teachers, principals, and math specialists.

Vocational Educational Act (VEA) and Research, Experience, Awareness Learning (REAL): Federal thru State funding: Part A: care of infants and toddlers of high school parents, vocational and parent training Part B: career and vocational education. Part F: Consumer and homemaking training for high school students. Part H: supervised work-study programs for special education students.

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Because of the need for current and unpublished materials, much of the information was obtained through interviews with BUSD personnel in various administrative offices, School sites and staff organizations, as well as School Board members. Their names are too numerous to list here individually. We express our deep appreciation in general.

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